

**State of Illinois  
91st General Assembly  
Final Senate Journal**

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SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FIRST GENERAL ASSEMBLY

100TH LEGISLATIVE DAY

WEDNESDAY, APRIL 12, 2000

11:00 O'CLOCK A.M.

No. 100

[Apr. 12, 2000]

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2

The Senate met pursuant to adjournment.  
Senator Stanley B. Weaver, Urbana, Illinois, presiding.  
Prayer by Reverend Daryl Fansler, United Methodist Church of Petersburg, Petersburg, Illinois.  
Senator Radogno led the Senate in the Pledge of Allegiance.

The Journal of Friday, April 7, 2000, was being read when on motion of Senator Myers further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Monday, April 10, 2000, was being read when on motion of Senator Myers further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would

stand approved. No corrections being offered, the Journal was ordered to stand approved.

Senator Myers moved that reading and approval of the Journal of Tuesday, April 11, 2000 be postponed pending arrival of the printed Journal.

The motion prevailed.

#### **LEGISLATIVE MEASURES FILED**

The following floor amendments to the House Bill listed below have been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 1 to House Bill 1583  
Senate Amendment No. 2 to House Bill 1583

#### **PRESENTATION OF RESOLUTIONS**

##### **SENATE RESOLUTION NO. 347**

Offered by Senator Dillard and all Senators:  
Mourns the death of Frank Vacek of Willowbrook.

The foregoing resolution was referred to the Resolutions Consent Calendar.

Senator Radogno offered the following Senate Resolution, which was referred to the Committee on Rules:

##### **SENATE RESOLUTION NO. 348**

WHEREAS, The United States Supreme Court in *Olmstead v. L.C. Ex Rel. Zimring*, 119 S. Ct. 2176 (1999), affirmed that the unjustifiable institutionalization of a person with a disability who could live in the community with proper support, and wishes to do so, is unlawful discrimination in violation of the Americans with Disabilities Act (ADA); and

WHEREAS, Pursuant to the Supreme Court's ruling, the U.S. Department of Health and Human Services (HHS) has issued guidelines to the states on how to make state programs responsive to persons with disabilities who wish to live in the most integrated setting appropriate; and

WHEREAS, In providing for its citizens with disabilities, a state must provide community-based services for persons with disabilities

[Apr. 12, 2000]

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otherwise entitled to institutional services when the state's treatment professionals determine that community placement is appropriate, provided that the person with a disability chooses community-based services; and

WHEREAS, In *Olmstead*, the Supreme Court ruled that a state's obligations under the ADA are met if the state has a comprehensive

effective working plan for placing qualified persons with disabilities in less restrictive settings with appropriate support services; and

WHEREAS, It is critical to the success of Illinois' comprehensive effective working plan that all appropriate State departments and agencies and stakeholders, including, but not limited to persons with disabilities and their family members, organizations representing persons with disabilities and providers of services to persons with disabilities, collaborate in the development, monitoring, and subsequent modification of the comprehensive effective working plan; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the Illinois Department of Human Services is directed to do the following in response to the U.S. Supreme Court's decision in *Olmstead v. L.C. Ex Rel. Zimring*:

1. Analyze current policies and service delivery systems for persons with disabilities including, but not necessarily limited to intake, admission, assessment, eligibility criteria, resource allocation, community-based supports, and demonstration programs:

2. Serve as the lead agency in developing a comprehensive effective working plan that includes (i) procedures to avoid unnecessary institutionalization of persons with disabilities, (ii) procedures for placing qualified persons with disabilities in the most integrated setting appropriate for each individual with appropriate supports, (iii) provisions for services and supports along a full continuum from the most integrated to the most restrictive, and (iv) a waiting list to move persons with disabilities into the most integrated setting appropriate at a reasonable pace that is not driven by the need to keep the State's institutions fully populated; and be it further

RESOLVED, That the Department of Human Services shall involve all appropriate stakeholders as integral participants in the process of developing, implementing, modifying, and reviewing a comprehensive effective working plan, including the Department of Public Aid, the Department on Aging, the Illinois State Board of Education, and other State departments and agencies, persons with disabilities and their family members, organizations and individuals who represent persons with disabilities, and providers of services to persons with disabilities; and be it further

RESOLVED, That the Department of Public Aid, the Department on Aging, the State Board of Education, and other State agencies shall cooperate fully with the Department of Human Services in fulfilling the requirements of this resolution; and be it further

RESOLVED, That the Department of Human Services shall file a report of its activities as required by this resolution and the comprehensive effective working plan with the House of Representatives by January 9, 2001; and be it further

RESOLVED, That a copy of this resolution be sent to the Secretary of Human Services.

Senators Maitland offered the following Senate Joint Resolution, which was referred to the Committee on Rules:

[Apr. 12, 2000]

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**SENATE JOINT RESOLUTION NO. 72**

WHEREAS, On November 23, 1998, the Attorneys General of 46 states (including Illinois), Puerto Rico, the US Virgin Islands, American Samoa, the Northern Mariana Islands, Guam and the District of Columbia signed an agreement with the five largest Tobacco manufacturers (Brown & Williamson Tobacco corporation, Lorillard Tobacco Company, Philip Morris Incorporated RJ Reynolds Tobacco Company, Commonwealth Tobacco and Liggett & Myers) settling the four-year legal battle over tobacco, public health and youth safety; and

WHEREAS, Pursuant to this agreement, between 1998 and 2025, states will receive over \$206 billion from the settlement, with Illinois' share reaching over \$9 billion; and

WHEREAS, The settlement contains no restrictions on the use of the moneys; and

WHEREAS, Initial projections for the tobacco payments have been significantly decreased due to shrinking market demand and other underestimated offsets; and

WHEREAS, Lawsuits have been filed against the State of Illinois asserting a claim for portions of the tobacco settlement moneys; and

WHEREAS, These many factors make the future of the tobacco settlement payments uncertain; and

WHEREAS, The State has yet to form a unified future plan for expenditure of the tobacco moneys; and

WHEREAS, Effects of tobacco have impacted persons from a variety of backgrounds and experiences; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, That there is created the Illinois Task Force on Tobacco and Health Care; and be it further

RESOLVED, That the Task Force shall consist of 14 members:

(1) Four legislative members, one appointed by each the President of the Senate, the Speaker of the House, the Senate Minority Leader and the Minority Leader of the House,

(2) One doctor currently engaged in the private practice of medicine, appointed by the Illinois State Medical Society,

(3) One teacher, appointed by the Illinois Education Association,

(4) One researcher, currently engaged in health-related research, appointed by the University of Illinois,

(5) One student, appointed by the State Superintendent of Education,

(6) One member of the business community, appointed by the Chamber of Commerce,

(7) One working individual, appointed by the AFL-CIO,

(8) One banker actively engaged in the banking profession, appointed by the Illinois Bankers Association,

(9) One parent, appointed by the Illinois Congress of Parents and Teachers, and (10) One senior citizen, appointed by AARP,

(11) One representative appointed by the Department of Public Health; and be it further

RESOLVED, That the legislators appointed by the President of the Senate and the Speaker of the House shall serve as co-chairpersons of the Task Force; and be it further

RESOLVED, That the Task Force shall meet at the call of the Chairs; and be it further

RESOLVED, That members shall serve without compensation; and be it further

RESOLVED, That the Task Force provide recommendations to the General Assembly on how to allocate Illinois' share of the Master

[Apr. 12, 2000]

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5

Settlement Agreement funds; and be it further

RESOLVED, That the Task Force shall issue its recommendations on or before January 9, 2001.

#### REPORTS FROM STANDING COMMITTEES

Senator Cronin, Chairperson of the Committee on Education, to which was referred **Senate Joint Resolution No. 66** reported the same back with amendments having been adopted thereto, with the recommendation that the resolution, as amended, be adopted.

Under the rules, **Senate Joint Resolution 66** was placed on the Secretary's Desk.

Senator Mahar, Chairperson of the Committee on Environment and Energy, to which was referred **Senate Resolution No. 331** reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution 331** was placed on the Secretary's Desk.

Senator Klemm, Chairperson of the Committee on Executive, to which was referred **Senate Resolution No. 337** reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution 337** was placed on the Secretary's Desk.

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

##### SENATE BILL NO. 1513

A bill for AN ACT to amend the North Shore Sanitary District Act by changing Section 11.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1513

Passed the House, as amended, April 11, 2000.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1513

AMENDMENT NO. 1. Amend Senate Bill 1513 on page 2, line 28, by replacing "\$250,000" with "\$75,000".

Under the rules, the foregoing **House Bill No. 1513**, with Senate Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by  
Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

[Apr. 12, 2000]

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6

SENATE BILL NO. 1881

A bill for AN ACT to amend the Sanitary District Act of 1936 by changing Section 1.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1881  
House Amendment No. 2 to SENATE BILL NO. 1881

Passed the House, as amended, April 11, 2000.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1881

AMENDMENT NO. 1. Amend Senate Bill 1881 on page 1, by replacing lines 1 and 2 with the following:

"AN ACT concerning sanitary districts."; and  
on page 1, immediately below line 4, by inserting the following:

"Section 3. The Metropolitan Water Reclamation District Act is amended by changing Section 7a as follows:

(70 ILCS 2605/7a) (from Ch. 42, par. 326a)

Sec. 7a. Discharge into sewers of a sanitary district.

(a) The terms used in this Section are defined as follows:

"Board of Commissioners" means the Board of Commissioners of the sanitary district.

"Sewage" means water-carried human wastes or a combination of water-carried wastes from residences, buildings, businesses, industrial establishments, institutions, or other places together with any ground, surface, storm, or other water that may be present.

"Industrial Wastes" means all solids, liquids, or gaseous wastes resulting from any commercial, industrial, manufacturing, agricultural, trade, or business operation or process, or from the development, recovery, or processing of natural resources.

"Other Wastes" means decayed wood, sawdust, shavings, bark, lime, refuse, ashes, garbage, offal, oil, tar, chemicals, and all other substances except sewage and industrial wastes.

"Person" means any individual, firm, association, joint venture, sole proprietorship, company, partnership, estate copartnership, corporation, joint stock company, trust, school district, unit of local government, or private corporation organized or existing under the laws of this or any other state or country.

"General Superintendent" means the general superintendent of the sanitary district.

(b) It shall be unlawful for any person to discharge sewage, industrial waste, or other wastes into the sewerage system of a sanitary district or into any sewer connected therewith, except upon the terms and conditions that the sanitary district might reasonably impose by way of ordinance, permit, or otherwise.

Any sanitary district, in addition to all other powers vested in it and in the interest of public health and safety, or as authorized by subsections (b) and (c) of Section 46 of the Environmental Protection Act, is hereby empowered to pass all ordinances, rules, or regulations necessary to implement this Section, including but not limited to, the imposition of charges based on factors that influence the cost of treatment, including strength and volume, and including the right of access during reasonable hours to the premises of a person for enforcement of adopted ordinances, rules, or regulations.

(c) Whenever the sanitary district acting through the general superintendent determines that sewage, industrial wastes, or other wastes are being discharged into the sewerage system and when, in the

[Apr. 12, 2000]

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opinion of the general superintendent the discharge is in violation of an ordinance, rules, or regulations adopted by the Board of Commissioners under this Section governing industrial wastes or other wastes, the general superintendent shall order the offending party to cease and desist. The order shall be served by certified mail or personally on the owner, officer, registered agent, or individual designated by permit.

In the event the offending party fails or refuses to discontinue the discharge within 90 days after notification of the cease and desist order, the general superintendent may order the offending party to show cause before the Board of Commissioners of the sanitary district why the discharge should not be discontinued. A notice shall be served on the offending party directing him, her, or it to show cause before the Board of Commissioners why an order should not be entered directing the discontinuance of the discharge. The notice shall specify the time and place where a hearing will be held and shall be served personally or by registered or certified mail at least 10 days before the hearing; and in the case of a unit of local government or a corporation the service shall be upon an officer or agent thereof. After reviewing the evidence, the Board of Commissioners may issue an order to the party responsible for the discharge, directing that within a specified period of time the discharge be discontinued. The Board of Commissioners may also order the party responsible for the discharge to pay a civil penalty in an amount specified by the Board of Commissioners that is not less than \$100 nor more than \$2,000 per day for each day of discharge of effluent in violation of this Act as provided in subsection (d). The

Board of Commissioners may also order the party responsible for the violation to pay court reporter costs and hearing officer fees in a total amount not exceeding \$3,000.

(d) The Board of Commissioners shall establish procedures for assessing civil penalties and issuing orders under subsection (c) as follows:

(1) In making its orders and determinations, the Board of Commissioners shall take into consideration all the facts and circumstances bearing on the activities involved and the assessment of civil penalties as shown by the record produced at the hearing.

(2) The Board of Commissioners shall establish a panel of independent hearing officers to conduct all hearings on the assessment of civil penalties and issuance of orders under subsection (c). The hearing officers shall be attorneys licensed to practice law in this State.

(3) The Board of Commissioners shall promulgate procedural rules governing the proceedings, the assessment of civil penalties, and the issuance of orders.

(4) All hearings shall be on the record, and testimony taken must be under oath and recorded stenographically. Transcripts so recorded must be made available to any member of the public or any party to the hearing upon payment of the usual charges for transcripts. At the hearing, the hearing officer may issue, in the name of the Board of Commissioners, notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing and may examine witnesses.

(5) The hearing officer shall conduct a full and impartial hearing on the record, with an opportunity for the presentation of evidence and cross-examination of the witnesses. The hearing officer shall issue findings of fact, conclusions of law, a recommended civil penalty, and an order based solely on the

[Apr. 12, 2000]

record. The hearing officer may also recommend, as part of the order, that the discharge of industrial waste be discontinued within a specified time.

(6) The findings of fact, conclusions of law, recommended civil penalty, and order shall be transmitted to the Board of Commissioners along with a complete record of the hearing.

(7) The Board of Commissioners shall either approve or disapprove the findings of fact, conclusions of law, recommended civil penalty, and order. If the findings of fact, conclusions of law, recommended civil penalty, or order are rejected, the Board of Commissioners shall remand the matter to the hearing officer for further proceedings. If the order is accepted by the Board of Commissioners, it shall constitute the final order of the Board of Commissioners.

(8) (Blank). ~~The Administrative Review Law, and the rules adopted under that Law, shall govern all proceedings for the judicial review of final orders of the Board of Commissioners issued under this subsection.~~

(9) The civil penalty specified by the Board of Commissioners shall be paid within 35 days after the party on whom it is imposed receives a written copy of the order of the Board of Commissioners, unless the person or persons to whom the order is issued seeks judicial review under paragraph (8).

(10) If the respondent seeks judicial review of the order assessing civil penalties, the respondent shall, within 35 days after the date of the final order, pay the amount of the civil penalties into an escrow account maintained by the district for that purpose or file a bond guaranteeing payment of the civil penalties if the civil penalties are upheld on review.

(11) Civil penalties not paid by the times specified above shall be delinquent and subject to a lien recorded against the property of the person ordered to pay the penalty. The foregoing provisions for asserting liens against real estate by the sanitary district shall be in addition to and not in derogation of any other remedy or right of recovery, in law or equity, that the sanitary district may have with respect to the collection or recovery of penalties and charges imposed by the sanitary district. Judgment in a civil action brought by the sanitary district to recover or collect the charges shall not operate as a release and waiver of the lien upon the real estate for the amount of the judgment. Only satisfaction of the judgment or the filing of a release or satisfaction of lien shall release the lien.

(e) The general superintendent may order a person to cease the discharge of industrial waste upon a finding by the general superintendent that the final order of the Board of Commissioners entered after a hearing to show cause has been violated. The general superintendent shall serve the person with a copy of his or her order either by certified mail or personally by serving the owner, officer, registered agent, or individual designated by permit. The order of the general superintendent shall also schedule an expedited hearing before a hearing officer designated by the Board of Commissioners for the purpose of determining whether the company has violated the final order of the Board of Commissioners. The Board of Commissioners shall adopt rules of procedure governing expedited hearings. In no event shall the hearing be conducted less than 7 days after receipt by the person of the general superintendent's order.

At the conclusion of the expedited hearing, the hearing officer shall prepare a report with his or her findings and recommendations and transmit it to the Board of Commissioners. If the Board of

[Apr. 12, 2000]

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Commissioners, after reviewing the findings and recommendations, and the record produced at the hearings, determines that the person has violated the Board of Commissioner's final order, the Board of Commissioners may authorize the plugging of the sewer. The general superintendent shall give not less than 10 days written notice of the Board of Commissioner's order to the owner, officer, registered agent, or individual designated by permit, as well as the owner of record of the real estate and other parties known to be affected, that the sewer will be plugged. ~~The Administrative Review Law, and~~

~~the rules adopted under that Law, shall govern all proceedings for the judicial review of final orders of the Board of Commissioners issued under this subsection.~~

The foregoing provision for plugging a sewer shall be in addition to and not in derogation of any other remedy, in law or in equity, that the district may have to prevent violation of its ordinances and orders of its Board of Commissioners.

(f) A violation of the final order of the Board of Commissioners shall be considered a nuisance. If any person discharges sewage, industrial wastes, or other wastes into any waters contrary to the final order of the Board of Commissioners, the sanitary district acting through the general superintendent has the power to commence an action or proceeding in the circuit court in and for the county in which the sanitary district is located for the purpose of having the discharge stopped either by mandamus or injunction, or to remedy the violation in any manner provided for in this Section.

The court shall specify a time, not exceeding 20 days after the service of the copy of the complaint, in which the party complained of must plead to the complaint, and in the meantime, the party may be restrained. In case of default or after pleading, the court shall immediately inquire into the facts and circumstances of the case and enter an appropriate judgment in respect to the matters complained of. Appeals may be taken as in other civil cases.

(g) The sanitary district, acting through the general superintendent, has the power to commence an action or proceeding for mandamus or injunction in the circuit court ordering a person to cease its discharge, when, in the opinion of the general superintendent, the person's discharge presents an imminent danger to the public health, welfare, or safety, presents or may present an endangerment to the environment, or threatens to interfere with the operation of the sewerage system or a water reclamation plant under the jurisdiction of the sanitary district. The initiation of a show cause hearing is not a prerequisite to the commencement by the sanitary district of an action or proceeding for mandamus or injunction in the circuit court. The court shall specify a time, not exceeding 20 days after the service of a copy of the petition, in which the party complained of must answer the petition, and in the meantime, the party may be restrained. In case of default in answer or after answer, the court shall immediately inquire into the facts and circumstances of the case and enter an appropriate judgment order in respect to the matters complained of. An appeal may be taken from the final judgment in the same manner and with the same effect as appeals are taken from judgment of the circuit court in other actions for mandamus or injunction.

(h) Whenever the sanitary district commences an action under subsection (f) of this Section, the court shall assess a civil penalty of not less than \$1,000 nor more than \$10,000 for each day the person violates a Board order. Whenever the sanitary district commences an action under subsection (g) of this Section, the court shall assess a civil penalty of not less than \$1,000 nor more than \$10,000 for each day the person violates the ordinance. Each day's

[Apr. 12, 2000]

continuance of the violation is a separate offense. The penalties provided in this Section plus interest at the rate set forth in the Interest Act on unpaid penalties, costs, and fees, imposed by the Board of Commissioners under subsection (d), the reasonable costs to the sanitary district of removal or other remedial action caused by discharges in violation of this Act, reasonable attorney's fees, court costs, and other expenses of litigation together with costs for inspection, sampling, analysis, and administration related to the enforcement action against the offending party are recoverable by the sanitary district in a civil action.

(i) The Board of Commissioners may establish fees for late filing of reports with the sanitary district required by an ordinance governing discharges. The sanitary district shall provide by certified mail a written notice of the fee assessment that states the person has 30 days after the receipt of the notice to request a conference with the general superintendent's designee to discuss or dispute the appropriateness of the assessed fee. Unless a person objects to paying the fee for filing a report late by timely requesting in writing a conference with a designee of the general superintendent, that person waives his or her right to a conference and the sanitary district may impose a lien recorded against the property of the person for the amount of the unpaid fee.

If a person requests a conference and the matter is not resolved at the conference, the person subject to the fee may request an administrative hearing before an impartial hearing officer appointed under subsection (d) to determine the person's liability for and the amount of the fee.

If the hearing officer finds that the late filing fees are owed to the sanitary district, the sanitary district shall notify the responsible person or persons of the hearing officer's decision. If payment is not made within 30 days after the notice, the sanitary district may impose a lien on the property of the person or persons.

Any liens filed under this subsection shall apply only to the property to which the late filing fees are related. A claim for lien shall be filed in the office of the recorder of the county in which the property is located. The filing of a claim for lien by the district does not prevent the sanitary district from pursuing other means for collecting late filing fees. If a claim for lien is filed, the sanitary district shall notify the person whose property is subject to the lien, and the person may challenge the lien by filing an action in the circuit court. The action shall be filed within 90 days after the person receives the notice of the filing of the claim for lien. The court shall hear evidence concerning the underlying reasons for the lien only if an administrative hearing has not been held under this subsection.

(j) If the provisions of any paragraph of this Section are declared unconstitutional or invalid by the final decision of any court of competent jurisdiction, the provisions of the remaining paragraphs continue in effect.

(k) Nothing in this Section eliminates any of the powers now granted to municipalities having a population of 500,000 or more as to design, preparation of plans, and construction, maintenance, and operation of sewers and sewerage systems, or for the control and elimination or prevention of the pollution of their waters or waterways, in the Illinois Municipal Code or any other Act of the State of Illinois.

(l) The provisions of the Administrative Review Law and all

amendments and rules adopted pursuant to that Law apply to and govern all proceedings for the judicial review of final administrative decisions of the Board of Commissioners in the enforcement of any

[Apr. 12, 2000]

11

ordinance, rule, or regulation adopted under this Act.  
(Source: P.A. 90-354, eff. 8-8-97.)".

AMENDMENT NO. 2 TO SENATE BILL 1881

AMENDMENT NO. 2. Amend Senate Bill 1881, AS AMENDED, in the introductory clause of Section 3, after "Section 7a", by inserting "and adding Section 277"; and in Section 3, after the end of Sec. 7a, by inserting the following:

"(70 ILCS 2605/277 new)

Sec. 277. District enlarged. Upon the effective date of this amendatory Act of the 91st General Assembly, the corporate limits of the Metropolitan Water Reclamation District are extended to include within those limits the following described tracts of land that are annexed to the District:

(a) SUBJECT PARCEL:

THAT PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS:

ORIGINAL PARCEL 1:

THAT PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EASTERLY OF THE EASTERLY RIGHT OF WAY LINE OF RELOCATED BARRINGTON ROAD, AS DEDICATED BY DOCUMENT NUMBER 11234368, AND LYING SOUTH OF LOT 1 IN ROSE PACKING COMPANY SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF SAID SECTION 35, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 1, 1987, AS DOCUMENT 87172901;

-LESS AND EXCEPTING THEREFROM-

ANY PART THEREOF PREVIOUSLY CONVEYED IN FEE TO THE ILLINOIS STATE TOLL HIGHWAY COMMISSION BY WARRANTY DEED RECORDED AS DOCUMENT 16947360;

-LESS AND EXCEPTING THEREFROM-

THE FOLLOWING PART THEREOF TAKEN IN CASE NO 88L51441, CIRCUIT COURT OF COOK COUNTY, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 35; THENCE ON AN ASSUMED BEARING OF NORTH 00 DEGREES 14 MINUTES 15 SECONDS EAST, ALONG THE EAST LINE OF SAID SOUTHEAST 1/4, 288.04 FEET TO THE POINT OF BEGINNING, BEING ALSO A POINT IN THE NORTHERLY LINE OF A PERPETUAL EASEMENT GRANTED TO THE ILLINOIS STATE TOLL HIGHWAY COMMISSION PER CONVEYANCE RECORDED FEBRUARY 21, 1957, AS DOCUMENT 16831935; THENCE CONTINUING NORTH 00 DEGREES 14 MINUTES 15 SECONDS EAST, ALONG SAID EAST LINE, 371.20 FEET TO THE SOUTHEAST CORNER OF THE AFORESAID LOT 1 IN ROSE PACKING COMPANY SUBDIVISION; THENCE NORTH 88 DEGREES 30 MINUTES 52 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 71.02 FEET; THENCE SOUTH 00 DEGREES 14 MINUTES 15 SECONDS WEST, 333.80 FEET TO A POINT IN THE NORTHERLY LINE OF A PERPETUAL EASEMENT GRANTED TO ILLINOIS STATE TOLL HIGHWAY COMMISSION PER CONVEYANCE RECORDED

JULY 2, 1957, AS DOCUMENT 16947360; THENCE SOUTH 57 DEGREES 45 MINUTES 35 SECONDS EAST, ALONG SAID NORTHERLY LINE, 63.91 FEET TO AN INTERSECTION WITH THE AFOREMENTIONED PERPETUAL EASEMENT LINE, EXTENDED WESTERLY; THENCE SOUTH 72 DEGREES 56 MINUTES 57 SECONDS EAST, ALONG SAID EXTENDED LINE, 17.55 FEET TO THE POINT OF BEGINNING;

-TOGETHER WITH-

ORIGINAL PARCEL 2:

THAT PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 42 NORTH, RANGE 9, AND, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 35, THENCE ON AN ASSUMED BEARING OF NORTH 00 DEGREES 14

[Apr. 12, 2000]

12

MINUTES 15 SECOND EAST ALONG THE EAST LINE OF SAID SOUTHEAST 1/4, 288.04 FEET TO A POINT IN THE NORTHERLY LINE OF A PERPETUAL EASEMENT GRANTED TO THE ILLINOIS STATE TOLL HIGHWAY COMMISSION PER CONVEYANCE RECORDED FEBRUARY 21, 1957 AS DOCUMENT NO. 16831935; THENCE NORTH 72 DEGREES 56 MINUTES 57 SECONDS WEST ALONG SAID NORTHERLY LINE (EXTENDED WESTERLY) 17.55 FEET TO AN INTERSECTION WITH THE NORTHERLY LINE OF A PERPETUAL EASEMENT (SINCE RELEASED PER QUITCLAIM DEED RECORDED APRIL 16, 1996 AS DOCUMENT # 96283771) GRANTED TO THE ILLINOIS STATE TOLL HIGHWAY COMMISSION PER CONVEYANCE RECORDED JULY 2, 1957 AS DOCUMENT NO. 16947360; THENCE NORTH 57 DEGREES 45 MINUTES 35 SECONDS WEST ALONG SAID NORTHERLY LINE, 63.91 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 57 DEGREES 45 MINUTES 35 SECONDS WEST ALONG SAID NORTHERLY LINE 387.69 FEET; THENCE CONTINUING NORTH 78 DEGREES 15 MINUTES 45 SECONDS WEST ALONG SAID NORTHERLY LINE 430.00 FEET TO THE WESTERLY LINE OF PERPETUAL EASEMENT RECORDED JULY 2, 1957 AS DOCUMENT #16947360, BEING ALSO A POINT ON A 1562.28 FOOT RADIUS CURVE, THE CENTER OF CIRCLE OF SAID CURVE BEARS SOUTH 75 DEGREES 29 MINUTES 00 SECONDS EAST FROM SAID POINT; THENCE SOUTHERLY ALONG SAID WESTERLY LINE AND SAID CURVE, 100.20 FEET THROUGH A CENTRAL ANGLE OF 03 DEGREES 40 MINUTES 29 SECONDS TO THE SOUTHERLY LINE OF PERPETUAL EASEMENT RECORDED JULY 2, 1957 AS DOCUMENT #16947360; THENCE SOUTH 78 DEGREES 07 MINUTES 48 SECONDS EAST ALONG SAID SOUTHERLY LINE 192.00 FEET; THENCE CONTINUING SOUTH 68 DEGREES 07 MINUTES 13 SECONDS EAST ALONG SAID SOUTHERLY LINE 425.64 FEET; THENCE CONTINUING SOUTH 57 DEGREES 38 MINUTES 13 SECONDS EAST ALONG SAID SOUTHERLY LINE 222.02 FEET; THENCE NORTH 00 DEGREES 14 MINUTES 15 SECONDS EAST 120.40 FEET TO THE POINT OF BEGINNING;

EXCEPTION FROM ORIGINAL PARCEL 1 AND ORIGINAL PARCEL 2

THAT PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 42 NORTH, RANGE 9, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 35, THENCE ON AN ASSUMED BEARING OF NORTH 00 DEGREES 14 MINUTES 15 SECONDS EAST, ALONG THE EAST LINE OF SAID SOUTHEAST 1/4, 660.00 FEET TO THE SOUTHEAST CORNER OF LOT 1 IN ROSE PACKING COMPANY SUBDIVISION BEING A SUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF SAID SECTION 35, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 1, 1987, AS DOCUMENT 87172901; THENCE NORTH 88 DEGREES 30

MINUTES 56 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOT 1, 805.52 FEET TO THE WESTERLY LINE OF PERPETUAL EASEMENT RECORDED JULY 2, 1957 AS DOCUMENT #16947360, BEING ALSO A POINT ON A 1562.28 FOOT RADIUS CURVE; THENCE SOUTHERLY ALONG SAID WESTERLY LINE AND SAID CURVE, 161.08 FEET (CHORD=161.00 FEET, CHORD BEARING SOUTH 13 DEGREES 47 MINUTES 57 SECONDS WEST) TO THE SOUTHERLY LINE OF PERPETUAL EASEMENT RECORDED JULY 2, 1957 AS DOCUMENT #16947360; THENCE SOUTH 78 DEGREES 09 MINUTES 21 SECONDS EAST ALONG SAID SOUTHERLY LINE, 192.40 FEET; THENCE SOUTH 68 DEGREES 07 MINUTES 07 SECONDS EAST CONTINUING ALONG SAID SOUTHERLY LINE, 425.61 FEET; THENCE SOUTH 57 DEGREES 37 MINUTES 56 SECONDS EAST CONTINUING ALONG SAID SOUTHERLY LINE, 57.88 FEET TO AN INTERSECTION WITH A LINE BEING PARALLEL WITH THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 35 TO A POINT OF BEGINNING FOR THIS LEGAL DESCRIPTION; THENCE NORTH 00 DEGREES 14 MINUTES 15 SECONDS EAST ALONG SAID LAST DESCRIBED PARALLEL LINE, 297.59 FEET TO AN INTERSECTION WITH A LINE BEING PARALLEL WITH SAID SOUTH LINE OF LOT 1 IN ROSE PACKING COMPANY SUBDIVISION; THENCE SOUTH 88 DEGREES 30 MINUTES 56 SECONDS EAST, 139.03 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF RELOCATED CENTRAL ROAD PER CONDEMNATION CASE NO 88L51440; THENCE SOUTH 00 DEGREES 14 MINUTES

[Apr. 12, 2000]

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13

15 SECONDS WEST ALONG SAID LAST DESCRIBED WESTERLY LINE OF RELOCATED CENTRAL ROAD, 381.86 FEET TO THE SOUTHERLY LINE OF PERPETUAL EASEMENT RECORDED JULY 2, 1957 AS DOCUMENT #16947360; THENCE NORTH 57 DEGREES 37 MINUTES 56 SECONDS WEST ALONG SAID LAST DESCRIBED SOUTHERLY LINE OF PERPETUAL EASEMENT, 164.14 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

ALSO KNOWN AS:

THAT PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 42 NORTH, RANGE 9, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 35; THENCE ON AN ASSUMED BEARING OF NORTH 00 DEGREES 14 MINUTES 15 SECONDS EAST, ALONG THE EAST LINE OF SAID SOUTHEAST 1/4, 660.00 FEET TO THE SOUTHEAST CORNER OF LOT 1 IN ROSE PACKING COMPANY SUBDIVISION BEING A SUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF SAID SECTION 35, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 1, 1987, AS DOCUMENT 87172901; THENCE NORTH 88 DEGREES 30 MINUTES 56 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 71.02 FEET TO THE POINT OF BEGINNING FOR THIS LEGAL DESCRIPTION; THENCE NORTH 88 DEGREES 30 MINUTES 56 SECONDS WEST CONTINUING ALONG THE SOUTH LINE OF SAID LOT 1, 734.50 FEET TO THE WESTERLY LINE OF PERPETUAL EASEMENT RECORDED JULY 2, 1957 AS DOCUMENT #16947360, BEING ALSO A POINT ON A 1562.28 FOOT RADIUS CURVE; THENCE SOUTHERLY ALONG SAID WESTERLY LINE AND SAID CURVE, 161.08 FEET (CHORD=161.00 FEET, CHORD BEARING SOUTH 13 DEGREES 47 MINUTES 51 SECONDS WEST) TO THE SOUTHERLY LINE OF PERPETUAL EASEMENT RECORDED JULY 2, 1957 AS DOCUMENT #16947360; THENCE SOUTH 78 DEGREES 09 MINUTES 21 SECONDS EAST ALONG SAID SOUTHERLY LINE, 192.40 FEET; THENCE SOUTH 68 DEGREES 07 MINUTES 07 SECONDS EAST CONTINUING ALONG SAID SOUTHERLY LINE, 425.61 FEET; THENCE SOUTH 57 DEGREES 37 MINUTES 56 SECONDS EAST CONTINUING ALONG SAID

SOUTHERLY LINE, 57.88 FEET TO AN INTERSECTION WITH A LINE BEING PARALLEL WITH THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 35; THENCE NORTH 00 DEGREES 14 MINUTES 15 SECONDS EAST ALONG SAID LAST DESCRIBED PARALLEL LINE, 297.59 FEET TO AN INTERSECTION WITH A LINE BEING PARALLEL WITH SAID SOUTH LINE OF LOT 1 IN ROSE PACKING COMPANY SUBDIVISION; THENCE SOUTH 88 DEGREES 30 MINUTES 56 SECONDS EAST, 139.03 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF RELOCATED CENTRAL ROAD PER CONDEMNATION CASE NO. 88L51440; THENCE NORTH 00 DEGREES 14 MINUTES 15 SECONDS EAST ALONG SAID LAST DESCRIBED WESTERLY LINE OF RELOCATED CENTRAL ROAD, 72.44 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

(b) THAT PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 42 NORTH, RANGE 9, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 35; THENCE ON AN ASSUMED BEARING OF NORTH 00 DEGREES 14 MINUTES 15 SECONDS EAST, ALONG THE EAST LINE OF SAID SOUTHEAST 1/4, 660.00 FEET TO THE SOUTHEAST CORNER OF LOT 1 IN ROSE PACKING COMPANY SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF SAID SECTION 35, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 1, 1987 AS DOCUMENT NUMBER 87172901; THENCE NORTH 88 DEGREES 30 MINUTES 56 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOT 1, 805.52 FEET TO THE WESTERLY LINE OF PERPETUAL EASEMENT RECORDED JULY 2, 1957 AS DOCUMENT NUMBER 16947360, BEING ALSO A POINT ON A 1562.28 FOOT RADIUS CURVE; THENCE SOUTHERLY ALONG SAID WESTERLY LINE AND SAID CURVE, 161.08 FEET (CHORD=161.00 FEET, CHORD BEARING SOUTH 13 DEGREES 47 MINUTES 51 SECONDS WEST) TO THE SOUTHERLY LINE OF PERPETUAL EASEMENT RECORDED JULY 2, 1957 AS DOCUMENT NUMBER 16947360; THENCE SOUTH 78 DEGREES 09 MINUTES 21 SECONDS EAST ALONG SAID SOUTHERLY LINE, 192.40 FEET; THENCE SOUTH

[Apr. 12, 2000]

14

68 DEGREES 07 MINUTES 07 SECONDS EAST CONTINUING ALONG SAID SOUTHERLY LINE, 425.61 FEET; THENCE SOUTH 57 DEGREES 37 MINUTES 56 SECONDS EAST CONTINUING ALONG SAID SOUTHERLY LINE, 57.88 FEET TO AN INTERSECTION WITH A LINE BEING PARALLEL WITH THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 35 TO A POINT OF BEGINNING FOR THIS LEGAL DESCRIPTION; THENCE NORTH 00 DEGREES 14 MINUTES 15 SECONDS EAST ALONG SAID LAST DESCRIBED PARALLEL LINE, 297.59 FEET TO AN INTERSECTION WITH A LINE BEING PARALLEL WITH SAID SOUTH LINE OF LOT 1 IN ROSE PACKING COMPANY SUBDIVISION; THENCE SOUTH 88 DEGREES 30 MINUTES 56 SECONDS EAST, 139.03 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF RELOCATED CENTRAL ROAD PER CONDEMNATION CASE NO. 88L51440; THENCE SOUTH 00 DEGREES 14 MINUTES 15 SECONDS WEST ALONG SAID LAST DESCRIBED WESTERLY LINE OF RELOCATED CENTRAL ROAD, 381.86 FEET TO THE SOUTHERLY LINE OF PERPETUAL EASEMENT RECORDED JULY 2, 1957 AS DOCUMENT NUMBER 16947360; THENCE NORTH 57 DEGREES 37 MINUTES 56 SECONDS WEST ALONG SAID LAST DESCRIBED SOUTHERLY LINE OF PERPETUAL EASEMENT, 164.14 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS."

Under the rules, the foregoing **House Bill No. 1881**, with Senate

Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendments to a bill of the following title, to-wit:

HOUSE BILL 182

A bill for AN ACT to amend certain Acts in relation to mental health.

Which amendments are as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 182.

Senate Amendment No. 2 to HOUSE BILL NO. 182.

Concurred in by the House, April 11, 2000.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 486

A bill for AN ACT concerning kidney transplants.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 486.

Concurred in by the House, April 11, 2000.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the

[Apr. 12, 2000]

adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 589

A bill for AN ACT to amend the Illinois Insurance Code by changing Section 141.02.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 589.

Concurred in by the House, April 11, 2000.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by  
Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 1785

A bill for AN ACT to amend the Criminal Code of 1961 by changing Section 12-12.

Which amendment is as follows:  
Senate Amendment No. 1 to HOUSE BILL NO. 1785.

Concurred in by the House, April 11, 2000.  
ANTHONY D. ROSSI, Clerk of the House

A message from the House by  
Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 2067

A bill for AN ACT to amend the School Code by changing Section 18-8.05.

Which amendment is as follows:  
Senate Amendment No. 1 to HOUSE BILL NO. 2067.

Concurred in by the House, April 11, 2000.  
ANTHONY D. ROSSI, Clerk of the House

A message from the House by  
Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 2379

A bill for AN ACT concerning nutritional services for children.

Which amendment is as follows:  
Senate Amendment No. 1 to HOUSE BILL NO. 2379.

Concurred in by the House, April 11, 2000.  
ANTHONY D. ROSSI, Clerk of the House

A message from the House by

[Apr. 12, 2000]

Mr. Rossi, Clerk:  
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the

adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 3455

A bill for AN ACT to amend the Environmental Health Practitioner Licensing Act.

Which amendment is as follows:

Senate Amendment No. 2 to HOUSE BILL NO. 3455.

Concurred in by the House, April 11, 2000.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 3548

A bill for AN ACT in relation to mental health, amending named Acts.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 3548.

Concurred in by the House, April 11, 2000.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 3936

A bill for AN ACT to amend the Illinois Vehicle Code by changing Section 5-104.3.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 3936.

Concurred in by the House, April 11, 2000.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 4300

A bill for AN ACT in relation to child custody.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 4300.

Concurred in by the House, April 11, 2000.

[Apr. 12, 2000]

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17

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 4348

A bill for AN ACT in relation to child safety, amending named Acts.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 4348.

Concurred in by the House, April 11, 2000.

ANTHONY D. ROSSI, Clerk of the House

**INTRODUCTION OF BILLS**

**SENATE BILL NO. 1958.** Introduced by Senator Viverito, a bill for AN ACT to amend the Illinois Insurance Code by adding Section 143.29a.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

**SENATE BILL NO. 1959.** Introduced by Senator Watson, a bill for AN ACT to amend the Kaskaskia River Watershed and Basin Act by changing Section 1.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

**JOINT ACTION MOTIONS FILED**

The following Joint Action Motions to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendment 1 to Senate Bill 1304

Motion to Concur in House Amendment 1 to Senate Bill 1513

Motion to Concur in House Amendments 1 & 2 to Senate Bill 1550

Motion to Concur in House Amendments 1 & 2 to Senate Bill 1658

Motion to Concur in House Amendments 1 & 2 to Senate Bill 1881

**REPORT FROM STANDING COMMITTEE**

Senator Petka, Chairperson of the Committee on Executive Appointments, moved that the Senate resolve itself into Executive

Session to consider the report of that Committee relative to the Governor's appointments.

The motion prevailed.

**EXECUTIVE SESSION**

Senator Petka, Chairperson of the Committee on Executive

[Apr. 12, 2000]

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18

Appointments, to which was referred the Governor's Corrected Message to the Senate of November 4, 1999, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

CHICAGO TRANSIT AUTHORITY

To be a member of the Chicago Transit Authority for a term ending September 1, 2002:

Bill Dugan of Mt. Prospect  
Salaried

DEPARTMENT OF HUMAN SERVICES

To be Associate Secretary to the Department of Human Services for a term ending January 15, 2001:

Deloris Newman of Naperville  
Salaried

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

To be a member of the Illinois State Toll Highway Authority for a term ending May 1, 2001:

Carl Kramp of Downers Grove  
Salaried

To be members of the Illinois State Toll Highway Authority for terms ending May 1, 2003:

Norman Gold of Chicago  
Salaried

Gordon Volkman of Aurora  
Salaried

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

To be Executive Director of the Illinois Criminal Justice Information Authority until a successor is appointed:

Candice Kane of Oak Park  
Salaried

Senator Petka moved that the Senate advise and consent to the foregoing appointments.

And on that motion, a call of the roll was had resulting as follows:

Yeas 57; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Clayborne  
Cronin  
Cullerton  
DeLeo

[Apr. 12, 2000]

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del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Maitland  
Mitchell  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno

Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointments.

Senator Petka, Chairperson of the Committee on Executive Appointments, to which was referred the Governor's Corrected Message to the Senate of November 4, 1999, reported the same back with the recommendation that the Senate advise and consent to the following

[Apr. 12, 2000]

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20

appointments:

BOARD OF HIGHER EDUCATION

To be a member of the Board of Higher Education  
for a term ending July 1, 2000:

Thomas R. Lamont of Springfield  
Non-Salaried

To be a member of the Board of Higher Education  
for a term ending January 31, 2001:

James L. Kaplan of Lincolnshire  
Non-Salaried

CAPITAL DEVELOPMENT BOARD

To be a member of the Capital Development Board  
for a term ending January 21, 2002:

Louis Jones of Flossmoor  
Non-Salaried

EAST ST. LOUIS FINANCIAL ADVISORY AUTHORITY

To be members of the East St. Louis Financial Advisory Authority for terms ending August 30, 2001:

Katie Harper Wright of East St. Louis  
Non-Salaried

James W. "Tod" Miles of Chicago  
Non-Salaried

To be members of the East St. Louis Financial Advisory Authority for terms ending August 30, 2002:

Garry Robert Karch of Chicago  
Non-Salaried

Otis Cowan of Edwardsville  
Non-Salaried

GUARDIANSHIP AND ADVOCACY COMMISSION

To be a member of the Guardianship and Advocacy Commission for a term ending June 30, 2000:

Mary E. Flowers of Chicago  
Non-Salaried

To be a member of the Guardianship and Advocacy Commission for a term ending June 30, 2001:

Aaron M. Schmidt of Winnetka  
Non-Salaried

HEALTH FACILITIES PLANNING BOARD

[Apr. 12, 2000]

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To be a member of the Health Facilities Planning Board for a term ending June 30, 2001:

Fred Benjamin of Glencoe  
Non-Salaried

To be a member of the Health Facilities Planning Board for a term ending June 30, 2002:

Robert Clark of Springfield  
Non-Salaried

ILLINOIS & MISSOURI BI-STATE DEVELOPMENT AGENCY

To be a member of the Illinois & Missouri Bi-State

Development Agency for a term ending January 20, 2003:

Robert McGlynn of Belleville  
Non-Salaried

ILLINOIS DEVELOPMENT FINANCE AUTHORITY

To be members of the Illinois Development Finance  
Authority for terms ending January 15, 2001:

Howard W. Feldman of Springfield  
Non-Salaried

Ruth Vrdolyak of Chicago  
Non-Salaried

To be members of the Illinois Development Finance  
Authority for terms ending January 20, 2003:

George William Beck of Mt. Vernon  
Non-Salaried

John Koliopoulos of Palos Park  
Non-Salaried

ILLINOIS FARM DEVELOPMENT AUTHORITY BOARD

To be a member of the Illinois Farm Development  
Authority Board for a term ending January 17, 2000:

William S. Richardson of Ewing  
Non-Salaried

To be a member of the Illinois Farm Development  
Authority Board for a term ending January 21, 2002:

Gary Niemeyer of Glenarm  
Non-Salaried

To be members of the Illinois Farm Development Authority  
Board for terms ending January 20, 2003:

Robert F. Nickel of Concord  
Non-Salaried

[Apr. 12, 2000]

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Bernard T. Donovan, Jr. of Decatur  
Non-Salaried

ILLINOIS GAMING BOARD

To be a member of the Illinois Gaming Board for a

term ending July 1, 2000:

Joseph Lamendella of Chicago  
Non-Salaried

To be a member of the Illinois Gaming Board for  
a term ending July 1, 2001:

Staci Michelle Yandle of Belleville  
Non-Salaried

To be a member of the Illinois Gaming Board for  
a term ending July 1, 2002:

Gregory C. Jones of Hinsdale  
Non-Salaried

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

To be members of the Illinois Housing Development  
Authority for terms ending January 13, 2001:

John Viera of Des Plaines  
Non-Salaried

Gerald Sinclair of Salem  
Non-Salaried

To be members of the Illinois Housing Development  
Authority for terms ending January 13, 2003:

Joan Etten of Park Ridge  
Non-Salaried

Douglas Altenberger of Barrington  
Non-Salaried

ILLINOIS HUMAN RESOURCE INVESTMENT COUNCIL/WORKFORCE  
INVESTMENT BOARD

To be members of the Illinois Human Resource Investment  
Council/Workforce Investment Board for terms ending July 1,  
2000:

Ralph Korte of Highland  
Non-Salaried

Michael Pittman of Springfield  
Non-Salaried

To be members of the Illinois Human Resource Investment  
Council/Workforce Investment Board for terms ending July 1,  
2001:

[Apr. 12, 2000]

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Thomas Balanoff of Highland Park  
Non-Salaried

Milton Blouke Carus of Peru  
Non-Salaried

James F. Clayborne, Jr. of Belleville  
Non-Salaried

Kristine Cohn of Rockford  
Non-Salaried

Kristine W. Coryell of Chicago  
Non-Salaried

Daniel Cosgrove of Springfield  
Non-Salaried

Michael A. Donahue of Burr Ridge  
Non-Salaried

Paul Doyle of Oak Park  
Non-Salaried

Edward T. Duffy of Arlington Heights  
Non-Salaried

Jacqueline C. Edens of Chicago  
Non-Salaried

Donna J. Fike of South Elgin  
Non-Salaried

Nancy L. Firfer of Glenview  
Non-Salaried

Sharon Knotts Green of Barrington  
Non-Salaried

Lowell Grieves of Peoria  
Non-Salaried

Shirley Grobart of Wheeling  
Non-Salaried

Christine Helen Grumm of Chicago  
Non-Salaried

Robert Haisman of Oak Park  
Non-Salaried

Julie Hamos of Chicago  
Non-Salaried

Zelema Harris of Champaign  
Non-Salaried

Ginnie Hartmann of Mounds  
Non-Salaried

[Apr. 12, 2000]

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24

Elzie L. Higginbottom of Chicago  
Non-Salaried

Edward E. Hightower of Belleville  
Non-Salaried

Bruce B. Holland of Belleville  
Non-Salaried

Anne Irving of Chicago  
Non-Salaried

Dennis J. Keller of Hinsdale  
Non-Salaried

Susan L. Kelsey of Chicago  
Non-Salaried

Hazel King of Chicago  
Non-Salaried

Richard D. Knudsen of Glen Ellyn  
Non-Salaried

Anne Ladky of Chicago  
Non-Salaried

Robert A. Mariano of Lake Forest  
Non-Salaried

Michael McClain of Quincy  
Non-Salaried

Rosemary E. Mulligan of Des Plaines  
Non-Salaried

Barbara D. Oilschlager of Grayslake  
Non-Salaried

Janet Payne of Westville  
Non-Salaried

Anthony Perry of Bourbonnais  
Non-Salaried

William E. Peterson of Long Grove  
Non-Salaried

Jose P. Rivera of Naperville  
Non-Salaried

Michael W. Skarr of Naperville  
Non-Salaried

Mary Frances Squires of Springfield  
Non-Salaried

David P. Strautz of Mt. Vernon  
Non-Salaried

[Apr. 12, 2000]

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25

Pamela B. Strobel of Winnetka  
Non-Salaried

Thomas Volney Thornton of Chicago  
Non-Salaried

ILLINOIS STUDENT ASSISTANCE COMMISSION

To be a member of the Illinois Student Assistance  
Commission for a term ending July 1, 2001:

Brian Kelly of Orland Park  
Non-Salaried

To be a member of the Illinois Student  
Assistance Commission for a term ending  
June 30, 2003:

Pauline Betts of Springfield  
Non-Salaried

To be members of the Illinois Student Assistance  
Commission for terms ending June 30, 2005:

Christopher Kurczaba of Park Ridge  
Non-Salaried

William Hocter of Glencoe  
Non-Salaried

JOLIET ARSENAL DEVELOPMENT AUTHORITY

To be a member of the Joliet Arsenal Development  
Authority for a term ending January 19, 2003:

Warren Dorris of Joliet

Non-Salaried

LOTTERY CONTROL BOARD

To be a member of the Lottery Control Board for a term ending July 1, 2002:

James T. Hadley of Chicago  
Non-Salaried

WILL COUNTY METROPOLITAN EXPOSITION AND AUDITORIUM AUTHORITY

To be a member of the Will County Metropolitan Exposition and Auditorium Authority for a term ending December 1, 2001:

Sandra Martin of Joliet  
Non-Salaried

WILL-KANKAKEE REGIONAL DEVELOPMENT AUTHORITY

To be a member of the Will-Kankakee Regional Development Authority for a term ending January 15, 2001:

[Apr. 12, 2000]

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26

Albert F. "Ab" Potter of Kankakee  
Non-Salaried

To be a member of the Will-Kankakee Regional Development Authority for a term ending January 21, 2002:

Walter J. Charlton of Kankakee  
Non-Salaried

Senator Petka moved that the Senate advise and consent to the foregoing appointments.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard

Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, W.  
Karpel  
Klemm  
Laufen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Maitland  
Mitchell  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam

[Apr. 12, 2000]

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27

Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

The motion prevailed.  
Whereupon the President of the Senate announced confirmation of

the foregoing appointments.

Senator Petka, Chairperson of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of March 28, 2000, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

OFFICE OF BANKS AND REAL ESTATE

To be First Deputy Commissioner of the Office of Banks and Real Estate for a term ending January 31, 2004:

David Rodriguez of Chicago  
Salaried

Pursuant to Senate Rule 10-1(c) the following Senators request to divide the question, and that a separate vote be taken upon the confirmation of the Governor's Appointment of David Rodriguez to be First Deputy Commissioner of the Office of Banks and Real Estate.

DATE: April 12, 2000

s/Senator Miguel del Valle  
s/Senator Terry Link  
s/Senator George P. Shadiā  
s/Senator Vince Demuzio  
s/Senator James F. Clayborne, Jr.  
s/Senator Kimberly A. Lightford

The Chair stated that the request will be honored and that a vote will be taken separately on the confirmation of the foregoing Governor's Appointment.

Senator Petka moved that the Senate advise and consent to the foregoing appointment.

And on that motion, a call of the roll was had resulting as follows:

Yeas 43; Nays 8; Present 7.

The following voted in the affirmative:

Bomke

[Apr. 12, 2000]

Burzynski  
Cronin  
DeLeo  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson

Jones, E.  
Jones, W.  
Karpier  
Klemm  
Lightford  
Luechtefeld  
Madigan, R.  
Mahar  
Maitland  
Myers  
Noland  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

The following voted in the negative:

Bowles  
Clayborne  
Cullerton  
del Valle  
Hendon  
Jacobs  
Molaro  
Trotter

The following voted present:

Demuzio  
Link  
Madigan, L.  
Mitchell

[Apr. 12, 2000]

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Munoz  
Obama  
Shaw

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointments.

Senator Petka, Chairperson of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of March 28, 2000, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

ILLINOIS COMMERCE COMMISSION

To be a member of the Illinois Commerce Commission for a term ending January 17, 2005:

Mary Frances Squires of Springfield  
Salaried

ILLINOIS DEPARTMENT OF EMPLOYMENT SECURITY

To be Director of the Illinois Department of Employment Security for a term ending January 15, 2001:

Gertrude Jordan of Chicago  
Salaried

ILLINOIS DEPARTMENT OF HUMAN SERVICES

To be Secretary of the Illinois Department of Human Services for a term ending January 15, 2001:

Linda Renee Baker of Springfield  
Salaried

ILLINOIS INTERNATIONAL PORT DISTRICT BOARD

To be Commissioner of the Illinois International Port District Board for a term ending June 1, 2004:

Cary Capparelli of Chicago  
Salaried

ILLINOIS STATE MINING BOARD

To be members of the Illinois State Mining Board for terms ending January 15, 2001:

Thomas J. Austin of Springfield  
Salaried

Timothy J. Mitacek of Harrisburg  
Salaried

Robert L. Pate of Harrisburg  
Salaried

[Apr. 12, 2000]

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30

Perry E. Whitley, Jr. of Crossville  
Salaried

Mike Whitten of Hillsboro  
Salaried

J. Scott Williams of West Frankfort  
Salaried

OFFICE OF BANKS AND REAL ESTATE

To be Commissioner of the Office of Banks and  
Real Estate for a term ending January 31, 2004:

William Darr of Park Ridge  
Salaried

To be Deputy Commissioner of the Office of Banks  
and Real Estate for a term ending February 1, 2004:

Patrick A. Brady of Chicago  
Salaried

POLLUTION CONTROL BOARD

To be a member of the Pollution Control Board  
for a term ending July 1, 2002:

Samuel T. Lawton, Jr. of Highland Park  
Salaried

Senator Petka moved that the Senate advise and consent to the  
foregoing appointments.

And on that motion, a call of the roll was had resulting as  
follows:

Yeas 59; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio

Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpiel  
Klemm

[Apr. 12, 2000]

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31

Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Maitland  
Mitchell  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointments.

Senator Petka, Chairperson of the Committee on Executive Appointments, to which was referred the Governors's Message to the Senate of March 28, 2000, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

BOARD OF TRUSTEES GOVERNORS STATE UNIVERSITY

To be a member of the Governors State University  
Board of Trustees for a term ending January 17, 2005:

Jack Beaupre of Bourbonnais  
Non-Salaried

BOARD OF TRUSTEES ILLINOIS STATE UNIVERSITY

To be a member of the Illinois State University

[Apr. 12, 2000]

---

32

Board of Trustees for a term ending January 17, 2005:

Jaime Flores of Berwyn  
Non-Salaried

BOARD OF TRUSTEES NORTHEASTERN ILLINOIS UNIVERSITY

To be members of the Northeastern Illinois University  
Board of Trustees for terms ending January 20, 2003:

Juan Mendez of Park Ridge  
Non-Salaried

Lorraine A. Murray of Park Ridge  
Non-Salaried

Willie Taylor of Chicago  
Non-Salaried

BOARD OF TRUSTEES WESTERN ILLINOIS UNIVERSITY

To be a member of the Western Illinois University  
Board of Trustees for a term ending January 17, 2005:

Lorraine Epperson of Macomb  
Non-Salaried

CAPITAL DEVELOPMENT BOARD

To be a member of the Capital Development Board

for a term ending January 20, 2003:

George Fleischli of Springfield  
Non-Salaried

To be a member of the Capital Development Board  
for a term ending January 19, 2004:

Joby Berman of Kenilworth  
Non-Salaried

CHILDREN AND FAMILY SERVICES ADVISORY COUNCIL

To be members of the Children and Family Services  
Advisory Council for terms ending January 20, 2003:

James L. Gordon of Mt. Vernon  
Non-Salaried

Clara Kirk of Chicago  
Non-Salaried

Neil Matlins of Springfield  
Non-Salaried

Carolyn B. Smoots of Marion  
Non-Salaried

To be a member of the Children and Family Services  
Advisory Council for a term ending January 19, 2004:

[Apr. 12, 2000]

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Rhonda Kaplan-Katz of Highland Park  
Non-Salaried

COAL DEVELOPMENT BOARD

To be members of the Coal Development Board for  
terms ending July 1, 2003:

Donald H. Dame of Springfield  
Non-Salaried

Douglas M. Downing of Mascoutah  
Non-Salaried

Donald E. Tolva of Oak Brook  
Non-Salaried

Robert O. Viets of Peoria  
Non-Salaried

DEPARTMENT OF LABOR ADVISORY BOARD

To be members of the Department of Labor Advisory Board for terms ending January 15, 2001:

James W. Compton of Chicago  
Non-Salaried

Terry L. Fairclough of Springfield  
Non-Salaried

Colleen M. McShane of Oak Park  
Non-Salaried

Levi B. Moore, Jr. of Chicago  
Non-Salaried

William J. Nolan of Chicago  
Non-Salaried

Thomas J. Walter of Naperville  
Non-Salaried

To be members of the Department of Labor Advisory Board for terms ending January 21, 2002:

James P. Bruner of Jacksonville  
Non-Salaried

David A. DeYoung of South Holland  
Non-Salaried

Dennis J. Gannon of Orland Park  
Non-Salaried

David H. Lorig of Chicago  
Non-Salaried

Hedy M. Ratner of Chicago  
Non-Salaried

[Apr. 12, 2000]

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34

Michael P. O'Neill of Palos Hills  
Non-Salaried

Edward M. Smith of Olive Branch  
Non-Salaried

DEPARTMENT OF STATE POLICE MERIT BOARD

To be a member of the Department of State Police Merit Board for a term ending March 20, 2000:

Scott Turow of Wilmette

Non-Salaried

To be a member of the Department of State Police  
Merit Board for a term ending March 20, 2006:

Scott Turow of Wilmette  
Non-Salaried

HAVANA REGIONAL PORT DISTRICT BOARD

To be a member of the Havana Regional Port District  
Board for a term ending July 1, 2003:

Scott Williams of Havana  
Non-Salaried

HEALTH CARE COST CONTAINMENT COUNCIL

To be members of the Health Care Cost Containment  
Council for terms ending September 5, 2002:

James Chao of Naperville  
Non-Salaried

William Tipton of Northfield  
Non-Salaried

ILLINOIS COMMUNITY COLLEGE BOARD

To be a member of the Illinois Community College  
Board for a term ending June 30, 2003:

James Zerkle of Springfield  
Non-Salaried

To be a member of the Illinois Community College  
Board for a term ending June 30, 2005:

Laurna Godwin of Alton  
Non-Salaried

ILLINOIS ECONOMIC DEVELOPMENT BOARD

To be members of the Illinois Economic Development  
Board for terms ending November 1, 2000:

Hans Becherer of Moline  
Non-Salaried

[Apr. 12, 2000]

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Diane Cullinan of Edwards  
Non-Salaried

Thomas Donovan of Palos Park  
Non-Salaried

Donald Fites of Peoria  
Non-Salaried

Christopher B. Galvin of Winnetka  
Non-Salaried

Sue Gin of Chicago  
Non-Salaried

Ross Glickman of Chicago  
Non-Salaried

Merlin Karlock of Bourbonnais  
Non-Salaried

John LaSage of LaGrange  
Non-Salaried

John A. Miller of Winnetka  
Non-Salaried

Margarita Perez of Park Ridge  
Non-Salaried

James Reynolds, Jr. of Chicago  
Non-Salaried

Christine Roche of Wheaton  
Non-Salaried

Courtney Shea of Chicago  
Non-Salaried

Thomas Tunney of Chicago  
Non-Salaried

Cynthia R. Williams of Chicago  
Non-Salaried

Lucy "Jill" York of Fairfield  
Non-Salaried

ILLINOIS ELECTRONIC FUND TRANSFER ADVISORY COMMITTEE

To be a member of the Illinois Electronic Fund  
Transfer Advisory Committee for a term ending  
December 31, 2003:

Veronica Manion of St. Charles  
Non-Salaried

ILLINOIS FARM DEVELOPMENT AUTHORITY

To be a member of the Illinois Farm Development

Authority for a term ending January 21, 2002:

Curtis Faber of Mendota  
Non-Salaried

To be a member of the Illinois Farm Development  
Authority for a term ending January 19, 2004:

Gary Luth of Allerton  
Non-Salaried

ILLINOIS FIDUCIARY ADVISORY COMMITTEE

To be a member of the Illinois Fiduciary Advisory  
Committee for a term ending January 1, 2000:

John DuBois of Geneseo  
Non-Salaried

To be members of the Illinois Fiduciary Advisory  
Committee for terms ending January 1, 2001:

Robert Mauser of Downers Grove  
Non-Salaried

Clifford Scott-Rudnick of Chicago  
Non-Salaried

To be a member of the Illinois Fiduciary Advisory  
Committee for a term ending January 1, 2002:

Glen Paine of Champaign  
Non-Salaried

To be members of the Illinois Fiduciary Advisory  
Committee for terms ending January 1, 2003:

Gail Nunnery of Clinton  
Non-Salaried

Richard Sommer of Edwardsville  
Non-Salaried

To be a member of the Illinois Fiduciary Advisory  
Committee for a term ending January 1, 2004:

John DuBois of Geneseo  
Non-Salaried

ILLINOIS GAMING BOARD

To be a member of the Illinois Gaming Board  
for a term ending July 1, 2001:

Sterling Mac Ryder of Springfield  
Non-Salaried

ILLINOIS HUMAN RESOURCE INVESTMENT COUNCIL / WORKFORCE  
INVESTMENT BOARD

[Apr. 12, 2000]

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37

To be members of the Illinois Human Resource Investment  
Council / Workforce Investment Board for terms ending  
July 1, 2001:

Tony Barr of Beason  
Non-Salaried

Jim Bush of Palos Heights  
Non-Salaried

Bert Docter of South Holland  
Non-Salaried

John B. Hudson of Springfield  
Non-Salaried

Garry R. Karch of Chicago  
Non-Salaried

James "Tod" Miles of Chicago  
Non-Salaried

Gary Vaughn of Pinkneyville  
Non-Salaried

Susan Kaye Vespa of Chicago  
Non-Salaried

Hugh C. Williams of Chicago  
Non-Salaried

ILLINOIS RACING BOARD

To be members of the Illinois Racing Board for  
terms ending July 1, 2002:

William Parrillo of Oak Brook  
Non-Salaried

Leon Shlofrock of Skokie  
Non-Salaried

ILLINOIS STATE MEDICAL DISCIPLINARY BOARD

To be a member of the Illinois State Medical Disciplinary Board for a term ending January 1, 2003:

Donald G. Langsley of Evanston  
Non-Salaried

To be a member of the Illinois State Medical Disciplinary Board for a term ending January 11, 2003:

Douglas P. Webster, D.O. of Lisle  
Non-Salaried

To be members of the Illinois State Medical Disciplinary Board for terms ending January 11, 2004:

Allan G. Bennett of Carbondale

[Apr. 12, 2000]

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38

Non-Salaried

Sandra F. Olson of Chicago  
Non-Salaried

ILLINOIS STATE MUSEUM BOARD

To be members of the Illinois State Museum Board for terms ending January 15, 2001:

Gerald Adelman of Lockport  
Non-Salaried

Anthony Leone, Jr. of Springfield  
Non-Salaried

Guerry Suggs of Springfield  
Non-Salaried

Caren Trudeau of Springfield  
Non-Salaried

ILLINOIS STUDENT ASSISTANCE COMMISSION

To be a member of the Illinois Student Assistance Commission for a term ending June 30, 2005:

C. Richard Neumiller of Peoria  
Non-Salaried

KASKASKIA REGIONAL PORT DISTRICT BOARD

To be a member of the Kaskaskia Regional Port

District Board for a term ending June 30, 2001:

Virgil J. Becker of Smithton  
Non-Salaried

MEDICAL LICENSING BOARD

To be a member of the Medical Licensing Board  
for a term ending January 8, 2002:

Dennis A. Reter, D.O. of Canton  
Non-Salaried

To be members of the Medical Licensing Board  
for terms ending January 8, 2004:

Jane Jackman, M.D. of Springfield  
Non-Salaried

Robert M. Vanecko, M.D. of Chicago  
Non-Salaried

PUBLIC ADMINISTRATOR AND PUBLIC GUARDIAN

To be the Public Administrator and Public Guardian of Effingham  
County for a term ending December 2, 2002:

[Apr. 12, 2000]

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K. Rick Keller of Effingham  
Non-Salaried

To be the Public Administrator and Public Guardian of Henderson  
County for a term ending December 3, 2001:

Imarr Evans of Oquawka  
Non-Salaried

To be the Public Administrator and Public Guardian of Wayne County  
for a term ending December 3, 2001:

Vickie Leonard of Fairfield  
Non-Salaried

QUAD CITY REGIONAL ECONOMIC DEVELOPMENT BOARD

To be a member of the Quad City Regional Economic  
Development Board for a term ending January 15, 2001:

Walter Sitzmore of Moline  
Non-Salaried

To be members of the Quad City Regional Economic

Development Board for terms ending January 21, 2002:

Thomas Getz of Moline  
Non-Salaried

Kenneth Schloemer of Moline  
Non-Salaried

Scott Verschoore of Reynolds  
Non-Salaried

To be a member of the Quad City Regional Economic  
Development Board for a term ending January 20, 2003:

Mark Appleton of Aledo  
Non-Salaried

QUALITY CARE BOARD

To be members of the Quality Care Board for  
terms ending September 18, 2002:

Rita Ann Burke of Makanda  
Non-Salaried

Kerry F. Galloway of Springfield  
Non-Salaried

STATE BANKING BOARD OF ILLINOIS

To be members of the State Banking Board of Illinois  
for terms ending December 31, 2001:

Jeanne Gernentz of Odell  
Non-Salaried

[Apr. 12, 2000]

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Lee Plummer of Dow  
Non-Salaried

To be a member of the State Banking Board of Illinois  
for a term ending December 31, 2002:

LeRoy A. Ufkes of Carthage  
Non-Salaried

To be members of the State Banking Board of Illinois  
for terms ending December 31, 2003:

John G. Eck of Wheaton  
Non-Salaried

Gary Edwards of Quincy  
Non-Salaried

Everett G. Rand of Chicago  
Non-Salaried

Paul V. Reagan of Glencoe  
Non-Salaried

Asif Yusuf of Oak Brook  
Non-Salaried

UPPER ILLINOIS RIVER VALLEY DEVELOPMENT AUTHORITY

To be a member of the Upper Illinois River Valley Development  
Authority for a term ending January 17, 2000:

Lynn Fieldman of Morris  
Non-Salaried

To be members of the Upper Illinois River Valley  
Development Authority for terms ending January 15, 2001:

Melissa Barnhart of Yorkville  
Non-Salaried

William Meagher of LaSalle  
Non-Salaried

Barbara C. Griffith of McNabb  
Non-Salaried

Dennis Hackett of Morris  
Non-Salaried

John Shaw of Yorkville  
Non-Salaried

To be members of the Upper Illinois River Valley  
Development Authority for terms ending January 21, 2002:

William P. Cote of Oswego  
Non-Salaried

Philip McCully of Toluca

[Apr. 12, 2000]

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Non-Salaried

Steven R. Nelson of Princeton  
Non-Salaried

William E. Steep of Seneca

Non-Salaried

To be a member of the Upper Illinois River Valley  
Development Authority for a term ending January 20, 2003:

Lynn Fieldman of Morris  
Non-Salaried

WIRELESS ENHANCED 9-1-1 BOARD

To be members of the Wireless Enhanced 9-1-1 Board  
for unspecified terms:

Craig S. Allen of Springfield  
Non-Salaried

Stephanie Cassioppi of Naperville  
Non-Salaried

Norman Forshee of Millstadt  
Non-Salaried

Robert M. Lombardo of Chicago  
Non-Salaried

Michael A. Midiri, Jr. of Springfield  
Non-Salaried

George Moser of Barrington Hills  
Non-Salaried

John Zaruba of Wheaton  
Non-Salaried

Senator Petka moved that the Senate advise and consent to the  
foregoing appointments.

And on that motion, a call of the roll was had resulting as  
follows:

Yeas 59; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz

[Apr. 12, 2000]

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Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpiel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Maitland  
Mitchell  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointments.

On motion of Senator Petka, the Executive Session arose and the Senate resumed consideration of business.

Senator Watson, presiding.

**REPORTS FROM RULES COMMITTEE**

Senator Weaver, Chairperson of the Committee on Rules, reported  
[Apr. 12, 2000]

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43

that the Committee recommends that **Senate Joint Resolutions numbered 71 and 72** having been assigned to the Committee on Executive be re-referred from the Committee on Executive to the Committee on Rules and have been approved for consideration by the Rules Committee and referred to the Senate floor for consideration.

Under the rules, the resolutions were placed on the order of Secretary's Desk Resolutions.

Senator Weaver, Chairperson of the Committee on Rules, during its April 12, 2000 meeting, reported the following Joint Action Motions have been assigned to the indicated Standing Committees of the Senate:

Insurance and Pensions: **Motion to concur with House Amendments 1 & 2 to Senate Bill 1658.**

Local Government: **Motions to concur with House Amendments 1, 2 & 3 to Senate Bill 1425; House Amendment 1 to Senate Bill 1513; House Amendments 1 & 2 to Senate Bill 1881.**

Revenue: **Motion to concur with House Amendment 1 to Senate Bill 1304.**

Senator Weaver, Chairperson of the Committee on Rules, during its April 12, 2000 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committee of the Senate:

Insurance and Pensions: **Senate Amendments numbered 1 and 2 to House Bill 1583.**

**CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS  
ON SECRETARY'S DESK**

On motion of Senator Jacobs, **Senate Bill No. 563**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Jacobs moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 59; Nays None.

The following voted in the affirmative:

Bomke  
Bowles

Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs

[Apr. 12, 2000]

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44

Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Maitland  
Mitchell  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito

Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 563**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Karpriel, **Senate Bill No. 807**, with House Amendments numbered 1, 2 and 9 on the Secretary's Desk, was taken up for immediate consideration.

Senator Karpriel moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 59; Nays None.

The following voted in the affirmative:

[Apr. 12, 2000]

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45

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpriel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.

Mahar  
Maitland  
Mitchell  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

[Apr. 12, 2000]

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46

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1, 2 and 9 to **Senate Bill No. 807**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator del Valle, **Senate Bill No. 1249**, with House Amendment No. 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator del Valle moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 59; Nays None.

The following voted in the affirmative:

Bomke

Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Maitland  
Mitchell  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen

[Apr. 12, 2000]

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Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter

Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 2 to **Senate Bill No. 1249**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Sullivan, **Senate Bill No. 1284**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Sullivan moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.

[Apr. 12, 2000]

Madigan, R.  
Mahar  
Maitland  
Mitchell  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1284**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Bowles, **Senate Bill No. 1296**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Bowles moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 59; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo

del Valle  
Demuzio  
Dillard

[Apr. 12, 2000]

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49

Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Maitland  
Mitchell  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch

Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1296**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator O'Malley, **Senate Bill No. 1307**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator O'Malley moved that the Senate concur with the House in

[Apr. 12, 2000]

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50

the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 59; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Maitland  
Mitchell  
Molaro  
Munoz

Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito

[Apr. 12, 2000]

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51

Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1307**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator DeLeo, **Senate Bill No. 1332**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Petka requested that a vote be taken separately on the foregoing amendments.

Senator DeLeo moved that the Senate concur with the House in the adoption of Amendment No. 1 to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 54; Nays 5.

The following voted in the affirmative:

Bomke  
Bowles  
Clayborne  
Cronin

Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpier  
Klemm  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Maitland  
Mitchell  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel

[Apr. 12, 2000]

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O'Malley  
Parker  
Peterson  
Radogno  
Ronen  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

The following voted in the negative:

Burzynski  
Lauzen  
Petka  
Rauschenberger  
Roskam

The motion prevailed.

Senator DeLeo moved that the Senate concur with the House in the adoption of Amendment No. 2 to **Senate Bill No. 1332**.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpiel  
Klemm  
Lauzen

[Apr. 12, 2000]

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Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Maitland  
Mitchell  
Munoz  
Myers  
Noland  
Obama

O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 1332**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Burzynski, **Senate Bill No. 1339**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Burzynski moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 59; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton

[Apr. 12, 2000]

DeLeo  
del Valle  
Demuzio

Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpiel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Maitland  
Mitchell  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 1339**.

Ordered that the Secretary inform the House of Representatives thereof.

[Apr. 12, 2000]

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55

On motion of Senator W. Jones, **Senate Bill No. 1404**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator W. Jones moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 59; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpier  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Maitland  
Mitchell  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka

Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith

[Apr. 12, 2000]

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56

Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1404**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Dillard, **Senate Bill No. 1426**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Dillard moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 59; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson

Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Maitland  
Mitchell  
Molaro  
Munoz

[Apr. 12, 2000]

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57

Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1426**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Cronin, **Senate Bill No. 1447**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Cronin moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson

[Apr. 12, 2000]

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Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpier  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Maitland  
Mitchell  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson

Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1447**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Radogno, **Senate Bill No. 1451**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Radogno moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 57; Nays None.

The following voted in the affirmative:

[Apr. 12, 2000]

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Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon

Jacobs  
Jones, E.  
Jones, W.  
Karpier  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Maitland  
Mitchell  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their

[Apr. 12, 2000]

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Amendments numbered 1 and 2 to **Senate Bill No. 1451**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Radogno, **Senate Bill No. 1453**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate

consideration.

Senator Radogno moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Maitland  
Mitchell  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw

[Apr. 12, 2000]

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Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1453**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Parker, **Senate Bill No. 1508**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Parker moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 59; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford

Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Maitland

[Apr. 12, 2000]

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62

Mitchell  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1508**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Maitland, **Senate Bill No. 1541**, with House Amendments numbered 1 and 3 on the Secretary's Desk, was taken up for immediate consideration.

Senator Maitland moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 59; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz

[Apr. 12, 2000]

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63

Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Maitland  
Mitchell  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein

Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 3 to **Senate Bill No. 1541**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Silverstein, **Senate Bill No. 1567**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Silverstein moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as

[Apr. 12, 2000]

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64

follows:

Yeas 59; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpier  
Klemm  
Laufen

Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Maitland  
Mitchell  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.

[Apr. 12, 2000]

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65

Watson  
Weaver  
Welch  
Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1567**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Parker, **Senate Bill No. 1655**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Parker moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 59; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Maitland  
Mitchell  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker

[Apr. 12, 2000]

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Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben

Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 1655**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Rauschenberger, **Senate Bill No. 1682**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Rauschenberger moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen

[Apr. 12, 2000]

Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Maitland  
Mitchell  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1682**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator R. Madigan, **Senate Bill No. 1704**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator R. Madigan moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 59; Nays None.

The following voted in the affirmative:

Bomke  
Bowles

Burzynski  
Clayborne  
Cronin

[Apr. 12, 2000]

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68

Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Maitland  
Mitchell  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito

Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1704**.

Ordered that the Secretary inform the House of Representatives thereof.

[Apr. 12, 2000]

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69

On motion of Senator Viverito, **Senate Bill No. 1871**, with House Amendment No. 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Viverito moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 59; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar

Maitland  
Mitchell  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith

[Apr. 12, 2000]

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70

Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 2 to **Senate Bill No. 1871**.

Ordered that the Secretary inform the House of Representatives thereof.

#### CONSIDERATION OF RESOLUTION ON SECRETARY'S DESK

Senator Cronin moved that **Senate Joint Resolution No. 66**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

The following amendment was offered in the Committee on Education, adopted and ordered printed:

#### AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Joint Resolution 66 by replacing lines 7 through 13 with the following:

"RESOLVED, BY THE SENATE OF THE NINETY-FIRST GENERAL ASSEMBLY OF

THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING  
HEREIN, that the request made by Huntley CSD 158 - McHenry with  
respect to a statement of affairs, identified in the report filed by  
the State Board of Education as request WM100-1384, is disapproved;  
and be it further

RESOLVED, That the request made by Norridge SD 80 - Cook with  
respect to tax levies, identified in the report filed by the State  
Board of Education as request WM100-1449, is disapproved; and be it  
further

RESOLVED, That the request made by Granite City CUSD 9 - Madison  
with respect to general State aid and average daily attendance  
calculations, identified in the report filed by the State Board of  
Education as request WM100-1422, is disapproved; and be it further

RESOLVED, That the request made by Granite City CUSD 9 - Madison  
with respect to general State aid and average daily attendance  
calculations, identified in the report filed by the State Board of  
Education as request WM100-1423, is disapproved; and be it further

RESOLVED, That the request made by Regional Office of Education -  
Carroll/Jo Daviess/Stephenson with respect to general State aid and  
average daily attendance calculations, identified in the report filed  
by the State Board of Education as request WM100-1440(R), is  
disapproved; and be it further

RESOLVED, That the request made by Granite City CUSD 9 - Madison  
with respect to the length of the school term, identified in the  
report filed by the State Board of Education as request WM100-1421  
(renewal), is disapproved; and be it further

RESOLVED, That the request made by Round Lake Area SD 116 - Lake  
with respect to debt limitations, identified in the report filed by  
the State Board of Education as request WM100-1428, is disapproved."

[Apr. 12, 2000]

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71

Senator Cronin moved that **Senate Joint Resolution No. 66**, as  
amended, be adopted.

And on that motion a call of the roll was had resulting as  
follows:

Yeas 59; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis

Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Maitland  
Mitchell  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter

[Apr. 12, 2000]

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72

Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

The motion prevailed.

And the resolution, as amended, was adopted.

Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

#### COMMITTEE MEETING ANNOUNCEMENTS

Senator R. Madigan, Chairperson of the Committee on Insurance and Pensions announced that the Insurance and Pensions Committee will meet today in Room 212, Capitol Building, at 2:30 o'clock p.m.

Senator Peterson, Chairperson of the Committee on Revenue announced that the Revenue Committee will meet today in Room 400, Capitol Building, at 3:00 o'clock p.m.

Senator Dillard, Chairperson of the Committee on Local Government announced that the Local Government Committee will meet today in Room A-1, Stratton Building, at 2:30 o'clock p.m.

Senator Karpriel asked and obtained unanimous consent to recess for the purpose of a Republican caucus.

Senator Smith asked and obtained unanimous consent to recess for the purpose of a Democrat caucus.

At the hour of 12:53 o'clock p.m., Senator Noland moved that the Senate stand at recess subject to the call of the Chair.

The motion prevailed.

#### AFTER RECESS

At the hour of 4:41 o'clock p.m., the Senate resumed consideration of business.

Senator Donahue, presiding.

#### REPORTS FROM STANDING COMMITTEES

Senator R. Madigan, Chairperson of the Committee on Insurance and Pensions to which was referred **Senate floor Amendments numbered 1 and 2 to House Bill No. 1583**, reported the same back with the recommendation that they be adopted.

Under the rules, the foregoing amendments are eligible for consideration on second reading.

Senator R. Madigan, Chairperson of the Committee on Insurance and Pensions, to which was referred the **Motion to concur with House Amendments numbered 1 and 2 to Senate Bill No. 1658**, reported the same back with the recommendation that the motion be adopted.

Under the rules, the foregoing motion is eligible for consideration by the Senate.

[Apr. 12, 2000]

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Senator Dillard, Chairperson of the Committee on Local Government, to which was referred the **Motion to concur with House Amendments numbered 1, 2 and 3 to Senate Bill No. 1425**, reported the

same back with the recommendation that the motion be approved for consideration.

Under the rules, the foregoing motion is eligible for consideration by the Senate.

Senator Dillard, Chairperson of the Committee on Local Government, to which was referred the **Motion to concur with House Amendment No. 1 to Senate Bill No. 1513**, reported the same back with the recommendation that the motion be approved for consideration.

Under the rules, the foregoing motion is eligible for consideration by the Senate.

Senator Dillard, Chairperson of the Committee on Local Government, to which was referred the **Motion to concur with House Amendments numbered 1 and 2 to Senate Bill No. 1881**, reported the same back with the recommendation that the motion be approved for consideration.

Under the rules, the foregoing motion is eligible for consideration by the Senate.

Senator Dillard, Chairperson of the Committee on Local Government, to which was referred the **Motion to concur with House Amendment No. 1 to Senate Bill No. 1377**, reported the same back with the recommendation that the motion be approved for consideration.

Under the rules, the foregoing motion is eligible for consideration by the Senate.

Senator Peterson, Chairperson of the Committee on Revenue, to which was referred the **Motion to concur with House Amendment No. 1 to Senate Bill No. 1304**, reported the same back with the recommendation that the motion be approved for consideration.

Under the rules, the foregoing motion is eligible for consideration by the Senate.

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

#### SENATE BILL NO. 23

A bill for AN ACT to amend the Public Utilities Act by changing Section 16-102.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 23

House Amendment No. 2 to SENATE BILL NO. 23

House Amendment No. 4 to SENATE BILL NO. 23

Passed the House, as amended, April 12, 2000.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 23

AMENDMENT NO. 1. Amend Senate Bill 23 on page 1, line 9, by changing "shall" to "~~shall~~".

AMENDMENT NO. 2 TO SENATE BILL 23

AMENDMENT NO. 2. Amend Senate Bill 23, AS AMENDED, by replacing the title with the following:

"AN ACT in relation to the taxation of the real property of electric generating stations."; and

by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by adding Section 5.490 as follows:

(30 ILCS 105/5.490 new)

Sec. 5.490. The Nuclear Electric Generating Station Fund.

Section 10. The Property Tax Code is amended by changing Section 9-45 and adding Sections 10-232, 10-235, 10-240, 10-245, 10-250, 10-255, 10-260, 10-265, and 10-270 as follows:

(35 ILCS 200/9-45)

Sec. 9-45. Property index number system. The county clerk in counties of 3,000,000 or more inhabitants and, subject to the approval of the county board, the chief county assessment officer or recorder, in counties of less than 3,000,000 inhabitants, may establish a property index number system under which property may be listed for purposes of assessment, collection of taxes or automation of the office of the recorder. The system may be adopted in addition to, or instead of, the method of listing by legal description as provided in Section 9-40. The system shall describe property by township, section, block, and parcel or lot, and may cross-reference the street or post office address, if any, and street code number, if any. The county clerk, county treasurer, chief county assessment officer or recorder may establish and maintain cross indexes of numbers assigned under the system with the complete legal description of the properties to which the numbers relate. Index numbers shall be assigned by the county clerk in counties of 3,000,000 or more inhabitants, and, at the direction of the county board in counties with less than 3,000,000 inhabitants, shall be assigned by the chief county assessment officer or recorder. Tax maps of the county clerk, county treasurer or chief county assessment officer shall carry those numbers. The indexes shall be open to public inspection and be made available to the public. Any property index number system established prior to the effective date of this Code shall remain valid. However, in counties with less than 3,000,000 inhabitants, the system may be transferred to another authority upon the approval of the county board.

Any real property used for a power generating or automotive manufacturing facility located within a county of less than 1,000,000 inhabitants, as to which litigation with respect to its assessed valuation or taxation is pending or was pending as of January 1, 1993, may be the subject of a real property tax assessment settlement agreement among the taxpayer and taxing districts in which it is situated. Other appropriate authorities, which may include county

and State boards or officials, may also be parties to such an agreement. Such an agreement may include the assessment of the facility for any years in dispute as well as for up to 10 years in the future. Such an agreement may provide for the settlement of issues relating to the assessed value of the facility and may provide for related payments, refunds, claims, credits against taxes and liabilities in respect to past and future taxes of taxing districts, including any fund created under Section 20-35 of this Act, all implementing the settlement agreement. Any such agreement may

[Apr. 12, 2000]

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75

provide that parties thereto agree not to challenge assessments as provided in the agreement. An agreement entered into on or after January 1, 1993 may provide for the classification of property that is the subject of the agreement as real or personal during the term of the agreement and thereafter. It may also provide that taxing districts agree to reimburse the taxpayer for amounts paid by the taxpayer in respect to taxes for the real property which is the subject of the agreement to the extent levied by those respective districts, over and above amounts which would be due if the facility were to be assessed as provided in the agreement. Such reimbursement may be provided in the agreement to be made by credit against taxes of the taxpayer. No credits shall be applied against taxes levied with respect to debt service or lease payments of a taxing district. No referendum approval or appropriation shall be required for such an agreement or such credits and any such obligation shall not constitute indebtedness of the taxing district for purposes of any statutory limitation. The county collector shall treat credited amounts as if they had been received by the collector as taxes paid by the taxpayer and as if remitted to the district. A county treasurer who is a party to such an agreement may agree to hold amounts paid in escrow as provided in the agreement for possible use for paying taxes until conditions of the agreement are met and then to apply these amounts as provided in the agreement. No such settlement agreement shall be effective unless it shall have been approved by the court in which such litigation is pending. Any such agreement which has been entered into prior to adoption of this amendatory Act of 1988 and which is contingent upon enactment of authorizing legislation shall be binding and enforceable.

(Source: P.A. 88-455; 88-535; 88-670, eff. 12-2-94.)

(35 ILCS 200/10-232 new)

Sec. 10-232. Findings of the Electric Utility Property Assessment Task Force; privileged statements.

(a) Pursuant to Section 10-230, the Electric Utility Property Assessment Task Force was established to advise the General Assembly with respect to the possible impact of the Electric Service Customer Choice and Rate Relief Law of 1997 on the valuation of the real property component of electric generating stations owned by electric utilities and, therefore, on the taxing districts in this State in which the electric generating stations are located. The Task Force, appointed by the 4 legislative leaders of the General Assembly, was comprised of representatives of taxing districts and electric utilities and was chaired by the President of the Taxpayers'

Federation of Illinois. After more than a year of extensive investigation, discussions, and negotiations, including in-depth analyses, projections, and reports by third party experts, the Task Force has determined that taxing districts throughout this State with nuclear electric generating stations located within their taxing jurisdictions will experience significant sustained erosions of their property tax bases and property tax revenues as a result of the restructuring of the electric industry. As a result, the General Assembly has determined that a transition period is needed that will enable the affected taxing districts, their constituents, and the State as well as the involved taxpayers to make gradual rather than precipitous adjustments in assessments in the restructured environment and to provide the market place with sufficient time to establish the full cash value of nuclear electric generating stations in the State.

(b) Statements made during Task Force meetings and deliberations may not be introduced as evidence in any judicial or administrative proceedings, and the statements and reports of any person retained by

[Apr. 12, 2000]

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76

the Task Force, including outside experts, may not be introduced as evidence in any judicial or administrative proceedings.

(35 ILCS 200/10-235 new)

Sec. 10-235. Definitions. As used in this Division, unless the context otherwise requires:

"Base year assessment" means the lower of the 1998 or 1999 assessments of the real property, as set by the board of review, of a nuclear electric generating station.

"Base year real estate percentage" means:

(1) in the case of a nuclear electric generating station for which the taxpayer has entered into a settlement agreement under Section 9-45 that sets forth a percentage of the nuclear electric generating station that is real property, the percentage set forth in the agreement; or

(2) in the case of a nuclear electric generating station for which the taxpayer has not entered into a settlement agreement under Section 9-45 that sets forth a percentage of the nuclear electric generating station that is real property, then a percentage equal to a fraction the numerator of which is the lower of the 1998 or 1999 assessment of the real property of the nuclear electric generating station as set by the board of review and the denominator of which is one-third of the original cost less depreciation of the nuclear electric generating station as of 1998 or 1999, whichever is lower.

"Electric generating station" means a station constructed and designed to generate electricity and that was owned, as of November 1, 1997, by an electric utility as defined in Section 16-102 of the Public Utilities Act.

"End-of-period assessment" means 33 1/3% of the end-of-period calculated facility value multiplied by the base year real estate percentage.

"End-of-period calculated facility value" of a nuclear electric generating station means:

(1) for the Dresden nuclear electric generating station, \$200 per kilowatt of total installed capacity reflected on FERC form 1;

(2) for the Quad Cities nuclear electric generating station, \$110 per kilowatt of total installed capacity reflected on FERC form 1;

(3) for the LaSalle nuclear electric generating station, \$280 per kilowatt of total installed capacity reflected on FERC form 1;

(4) for the Braidwood nuclear electric generating station, \$395 per kilowatt of total installed capacity as reflected on FERC form 1;

(5) for the Byron nuclear electric generating station, \$395 per kilowatt of total installed capacity as reflected on FERC form 1; and

(6) for the Clinton nuclear generating station, \$375 per kilowatt of total installed capacity reflected on FERC form 1.

"Nuclear electric generating station" means an electric generating station that generates electricity using the fission of uranium.

"Transition amount" means the difference between the base year assessment and the end-of-period assessment.

"Transition period" means the period beginning on January 1, 2000 and ending on December 31, 2005.

"Permanently closed nuclear station" means a nuclear electric generating station with respect to which either (i) its owner has notified the Nuclear Regulatory Commission that it intends to

[Apr. 12, 2000]

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permanently cease operations of the nuclear power generating units at the station and has ceased the nuclear generation of electricity; or (ii) the Nuclear Regulatory Commission has revoked the owners' license.

(35 ILCS 200/10-240 new)

Sec. 10-240. Assessment of nuclear electric generating stations.

(a) During the transition period, the real property assessment with respect to a nuclear electric generating station that is not a permanently closed nuclear station is as follows:

(1) if there is a settlement agreement entered into under Section 9-45 that provides for the assessment of the nuclear electric generating station's real property for that year, the assessment provided for in the agreement; or

(2) if there is no settlement agreement entered into under Section 9-45 that provides for the assessment of the nuclear electric generating station's real property for that year, then:

(A) for the year 2000, the base year assessment less 50% of the transition amount;

(B) for the year 2001, the base year assessment less 60% of the transition amount;

(C) for the year 2002, the base year assessment less 70% of the transition amount;

(D) for the year 2003, the base year assessment less 80% of the transition amount;

(E) for the year 2004, the base year assessment less 90% of the transition amount; and

(F) for the year 2005, the end-of-period assessment.

(b) During the transition period, the real property assessment with respect to a nuclear electric generating station that was a permanently closed nuclear station as of January 1, 1999 is as follows:

(1) for the year 2000, 60% of its 1998 assessment;

(2) for the year 2001, 30% of its 1998 assessment; and

(3) for the years 2002 and until the end of the transition period, the lesser of (i) \$25,000,000 or (ii) 30% of the 1998 assessment.

(c) During the transition period, the real property assessment with respect to a nuclear electric generating station that becomes a permanently closed nuclear station after January 1, 1999 is as follows:

(1) for the first assessment year following the year in which the station is permanently closed, 60% of the prior year's assessment;

(2) for the second assessment year following the year in which the station is permanently closed, 30% of the last assessment prior to the permanent closure of the station; and

(3) for the third assessment year following the year in which the station is permanently closed and until the end of the transition period, the lesser of (i) \$25,000,000 or (ii) 30% of the last assessment prior to the permanent closure of the station.

(d) The sale of any station that generates electricity shall not be a factor in the assessment of the property of a nuclear electric generating station for any assessment year during the transition period.

(e) During the transition period, land that was not improved with nuclear electric generating or substation equipment in the year of the base year assessment, but that has been reported to the Federal Energy Regulatory Commission as comprising part of a nuclear electric generating station, shall be assessed using the same

[Apr. 12, 2000]

valuation methodology that was applied to the land in the year of the base year assessment, unless the land is used for a purpose different from the year of base year assessment.

(35 ILCS 200/10-245 new)

Sec. 10-245. Assessment during and after the transition period.

(a) During the transition period, the assessed valuation of a nuclear electric generating station's real property is not subject to application of any equalization factor set by the Department of Revenue or local assessment officers. During this period, the equalized assessed valuation of the real property of a nuclear electric generating station shall be the same as its assessed valuation.

(b) Effective January 1, 2006 and thereafter, the property of all nuclear electric generating stations shall be assessed based upon its fair cash value and without regard to Section 10-240 or subsection

(a) of this Section.

(35 ILCS 200/10-250 new)

Sec. 10-250. Expedited assessment and appeal.

(a) On or before January 15 in each year, the assessor, in person or by deputy, shall actually view and determine as near as practicable the value of the property at each nuclear electric generating station in the assessor's jurisdiction according to this Division and shall certify to the chief county assessment officer the amount of the assessment. On or before February 1 of each year, the chief county assessment officer shall review the assessor's certification and make changes or assessments in the absence of the certification as may be necessary and proper and on or before February 15 shall notify the taxpayer of the assessment by mail and by publication in a newspaper of general circulation in the county. If the property at any nuclear electric generating station is not assessed on or before February 1, then the assessment shall be deemed to have been set by the chief county assessment officer at 100% of the prior year's assessed valuation.

(b) Complaints that a nuclear electric generating station is overassessed or underassessed shall be filed with the board of review on or before March 1. The board of review shall notify, within 5 calendar days, the taxpayer and any taxing body in which such nuclear electric generating station is situated of receipt of the complaint and the date and time for hearing thereon. Not later than April 1, the board shall review the assessment and correct it, as appears to be just under the terms of this Division, or allow the assessment to stand. If the board does not issue its decision on the complaint by April 1, then the complaint shall be deemed denied and the taxpayer and any taxing body shall have the right to appeal to the Property Tax Appeal Board according to subsection (c). After April 1, the board of review shall have no authority to revise the assessment of a nuclear electric generating station for that assessment year.

(c) Any taxpayer dissatisfied with the decision of a board of review as the decision pertains to the assessment of his or her property at a nuclear electric generating station or any taxing body in which such nuclear electric generating station is situated may, before May 1, appeal the decision to the Property Tax Appeal Board for review.

(d) Upon receipt of a petition complaining of the assessment of a nuclear electric generating station with an assessed valuation in excess of \$20,000,000 or a petition complaining that the assessment of a nuclear electric generating station should be set in excess of \$20,000,000:

(1) the Property Tax Appeal Board shall, within 10 calendar days, set the matter for a pre-hearing conference not later than

[Apr. 12, 2000]

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June 15 and provide notice of the date of the pre-hearing conference and a copy of the petition to the appellant, the taxpayer if other than the appellant, the board of review whose decision is being appealed and the State's Attorney of that county;

(2) notice to all taxing bodies in which such nuclear

electric generating station is situated shall be deemed to be given when served upon the State's Attorney of the county whose board of review's decision is being appealed;

(3) the board of review shall, within 5 calendar days of the receipt of the notice and petition from the Property Tax Appeal Board, mail an additional copy of the notice and petition on all taxing bodies as shown on the last available tax bill;

(4) the Property Tax Appeal Board shall consider the appeal de novo and shall issue a decision not later than February 1 of the year following the assessment year; and

(5) the assessment determined by the Property Tax Appeal Board shall be used as the assessment of the nuclear electric generating station for the calculation and extension of taxes notwithstanding the filing of any petition for administrative review.

(35 ILCS 200/10-255 new)

Sec. 10-255. Supplemental Tax Rates.

(a) Notwithstanding any other provision of law to the contrary except the Property Tax Extension Limitation Law, the governing authority of a taxing district may, by ordinance or resolution, increase without referendum its maximum aggregate tax rate for those funds that have rate maximums and its specific tax rates for the funds from tax year 2000 through tax year 2005. The ordinance or resolution is irrevocable. The maximum aggregate tax rate for those funds that have rate maximums may not be increased each year to more than 5% above the preceding year's maximum aggregate tax rate for the funds; provided that the total increase of the maximum aggregate tax rate for those funds that have rate maximums from tax year 2000 through tax year 2005 may not exceed the maximum aggregate tax rate for the funds in tax year 1999 by the lesser of either (i) 25% or (ii) a percentage, rounded to the nearest whole, equal to a fraction the numerator of which is the nuclear generating station's equalized assessed valuation for tax year 1996, as set by the board of review, minus its end-of-period assessment and the denominator of which is the taxing district's total equalized assessed valuation for tax year 1996. If a taxing district increases its maximum aggregate tax rate by referendum, the district may supplement that increase by an amount of no more than 5% above the preceding year's maximum aggregate tax rate.

(b) The ordinance or resolution increasing the maximum aggregate tax rate of the taxing district must be certified and filed with the county clerk and must include all of the following provisions:

(1) those funds of the district that have maximum tax rates and the maximum tax rate applicable to each fund for the tax year 1999;

(2) the aggregate maximum tax rates for tax year 1999 for all of the district's funds that are subject to maximums;

(3) the amount of the increase, if any, in the maximum aggregate tax rate to which the taxing district is entitled under this Section;

(4) the amounts of the increases, if any, in the maximum aggregate tax rate under this Section adopted by the governing authority of the taxing district in the preceding years;

(5) the amount of the increase in the maximum aggregate tax

[Apr. 12, 2000]

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rate authorized under this Section for the current year;

(6) the amount of the increase adopted by the governing authority of the taxing district for the current year and those funds to which the increase will be applied; and

(7) a cite to this Section of the Property Tax Code authorizing the tax rate increase.

(c) The maximum tax rates in effect on December 31, 2005 as established in accordance with subsections (a) and (b) above shall remain in effect thereafter.

(35 ILCS 200/10-260 new)

Sec. 10-260. Transitional program. The Department of Revenue must implement and administer a transitional support program to make grants to taxing districts within which are located a nuclear electric generating station or permanently closed nuclear station. The Department must make the grants to the taxing districts that meet the requirements of this subsection from the Nuclear Electric Generating Station Fund, a special fund created in the State Treasury. On January 1 of each year from 2001 through 2006, the Comptroller shall order transferred and the Treasurer shall transfer \$16,000,000 from the General Revenue Fund to the Nuclear Electric Generating Station Fund for the Department to make grants to taxing districts under the transitional support program in September of each year. If in any one year taxing districts are eligible for transitional support grants in excess of the moneys in the fund, then the Department shall distribute the grants to the districts in amounts equal to proportionate shares of the fund calculated using the amount of the grant that the district would otherwise have been entitled to receive from the fund. If the Department does not use all of the moneys in the fund for grants each year, then the balance shall remain in the fund for grants of the succeeding years. Moneys remaining in the fund after December 31, 2006 shall be returned to the General Revenue Fund by the Treasurer.

(1) From 2001 through 2006, a taxing district may apply for a transitional support grant before July 1st of each year and must be issued a grant if the district meets all of the following requirements:

(A) A nuclear electric generating station or permanently closed nuclear station is located within the taxing district.

(B) The taxing district's aggregate tax levy extension decreased from the 1999 tax year due to the decreased real property assessment of the nuclear electric generating station or permanently closed nuclear station by at least 3% in tax year 2000, 6% in tax year 2001, 9% in tax year 2002, 12% in tax year 2003, 15% in tax year 2004, and 18% in tax year 2005.

(C) The taxing district increased under Section 10-255 in the current tax year its maximum aggregate tax rate without a referendum or through referendum by at least 3% more than the maximum aggregate tax rate for the immediate preceding tax year, provided that if the district's 1999 maximum aggregate tax rate is greater than the median maximum aggregate tax rate of the same type of taxing districts organized under the same enabling law, as

determined by the Department, then the taxing district need not increase its maximum aggregate tax rate.

(D) If the taxing district has cash reserves, exclusive of early property tax receipts, that exceed 50% or more of its general operating expenditures for that year, then the district must have applied at least one-eighth of those cash

[Apr. 12, 2000]

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81

reserves in excess of the 50% in the district's budget ordinance or resolution for the current tax year.

(2) The amount of the transitional support grant is limited each year for a taxing district according to this paragraph. For the purpose of the grant limits under this paragraph, the term "aggregate extension" shall have the same definition as set forth in Section 18-185 of the Property Tax Extension Limitation Law. In addition, if the taxing district increases by referendum its maximum tax rate for any fund subject to rate maximums, then the amount of the extension attributable to the referendum shall not be included in the district's aggregate extension for the purposes of the grant limits under this paragraph. Subject to paragraph (3), the grant limits are calculated according to the following schedule:

(A) For the 2000 tax year, the amount of the grant may not increase the total of the district's aggregate extension and applied cash reserves to more than 97% of the 1999 aggregate extension.

(B) For the 2001 tax year, the amount of the grant may not increase the total of the district's aggregate extension and applied cash reserves to more than 94% of the 1999 aggregate extension.

(C) For the 2002 tax year, the amount of the grant may not increase the total of the district's aggregate extension and applied cash reserves to more than 91% of the 1999 aggregate extension.

(D) For the 2003 tax year, the amount of the grant may not increase the total of the district's aggregate extension and applied cash reserves to more than 88% of the 1999 aggregate extension.

(E) For the 2004 tax year, the amount of the grant may not increase the total of the district's aggregate extension and applied cash reserves to more than 85% of the 1999 aggregate extension.

(F) For the 2005 tax year, the amount of the grant may not increase the total of the district's aggregate extension and applied cash reserves to more than 82% of the 1999 aggregate extension.

(3) If due to the decreased real property assessment of a nuclear electric generating station or permanently closed nuclear station, a school district would receive an amount under Section 18-8.05 of the School Code that together with the transitional support grant, the district's aggregate extension, and the applied cash reserves would be more than the total amount of the district's general State aid entitlement for fiscal year 2001

under Section 18-8.05 of the School Code and the district's aggregate extension for tax year 1999, then the Department shall reduce the amount of the transitional support grant for that tax year so that the amount of the grant does not increase the total amount of the district's general State aid entitlement under Section 18-8.05 of the School Code, the district's aggregate extension for that tax year, and the applied cash reserves to more than 100% of the total amount of the district's general State aid entitlement for fiscal year 2001 under Section 18-8.05 of the School Code and the district's aggregate extension for tax year 1999.

(35 ILCS 200/10-265 new)

Sec. 10-265. Applicability. To the extent that Sections 10-232, 10-235, 10-240, 10-245, 10-250, 10-255, and 10-260 are in conflict with other provisions of the Property Tax Code, the provisions of

[Apr. 12, 2000]

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82

Sections 10-232, 10-235, 10-240, 10-245, 10-250, 10-255, and 10-260 control.

(35 ILCS 200/10-270 new)

Sec. 10-270. Inseverability. The provisions of this amendatory Act of the 91st General Assembly are mutually dependent and inseverable. If any provision is held invalid other than as applied to a particular person or circumstance, then this entire amendatory Act is invalid.

Section 99. Effective date. This Act takes effect upon becoming law."

#### AMENDMENT NO. 4 TO SENATE BILL 23

AMENDMENT NO. 4. Amend Senate Bill 23, AS AMENDED, by replacing the title with the following:

"AN ACT in relation to taxation."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Section 9-45 and adding Sections 10-231, 10-232, 10-232.5, 10-233, 10-233.5, 10-233.6, and 10-234 as follows:

(35 ILCS 200/9-45)

Sec. 9-45. Property index number system. The county clerk in counties of 3,000,000 or more inhabitants and, subject to the approval of the county board, the chief county assessment officer or recorder, in counties of less than 3,000,000 inhabitants, may establish a property index number system under which property may be listed for purposes of assessment, collection of taxes or automation of the office of the recorder. The system may be adopted in addition to, or instead of, the method of listing by legal description as provided in Section 9-40. The system shall describe property by township, section, block, and parcel or lot, and may cross-reference the street or post office address, if any, and street code number, if any. The county clerk, county treasurer, chief county assessment officer or recorder may establish and maintain cross indexes of numbers assigned under the system with the complete legal description of the properties to which the numbers relate. Index numbers shall be assigned by the county clerk in counties of 3,000,000 or more

inhabitants, and, at the direction of the county board in counties with less than 3,000,000 inhabitants, shall be assigned by the chief county assessment officer or recorder. Tax maps of the county clerk, county treasurer or chief county assessment officer shall carry those numbers. The indexes shall be open to public inspection and be made available to the public. Any property index number system established prior to the effective date of this Code shall remain valid. However, in counties with less than 3,000,000 inhabitants, the system may be transferred to another authority upon the approval of the county board.

Any real property used for a power generating or automotive manufacturing facility located within a county of less than 1,000,000 inhabitants, as to which litigation with respect to its assessed valuation or taxation is pending or was pending as of January 1, 1993, may be the subject of a real property tax assessment settlement agreement among the taxpayer and taxing districts in which it is situated. Other appropriate authorities, which may include county and State boards or officials, may also be parties to such an agreement. Such an agreement may include the assessment of the facility for any years in dispute as well as for up to 10 years in the future. Such an agreement may provide for the settlement of issues relating to the assessed value of the facility and may provide for related payments, refunds, claims, credits against taxes and liabilities in respect to past and future taxes of taxing districts,

[Apr. 12, 2000]

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including any fund created under Section 20-35 of this Act, all implementing the settlement agreement. Any such agreement may provide that parties thereto agree not to challenge assessments as provided in the agreement. An agreement entered into on or after January 1, 1993 may provide for the classification of property that is the subject of the agreement as real or personal during the term of the agreement and thereafter. It may also provide that taxing districts agree to reimburse the taxpayer for amounts paid by the taxpayer in respect to taxes for the real property which is the subject of the agreement to the extent levied by those respective districts, over and above amounts which would be due if the facility were to be assessed as provided in the agreement. Such reimbursement may be provided in the agreement to be made by credit against taxes of the taxpayer. No credits shall be applied against taxes levied with respect to debt service or lease payments of a taxing district. No referendum approval or appropriation shall be required for such an agreement or such credits and any such obligation shall not constitute indebtedness of the taxing district for purposes of any statutory limitation. The county collector shall treat credited amounts as if they had been received by the collector as taxes paid by the taxpayer and as if remitted to the district. A county treasurer who is a party to such an agreement may agree to hold amounts paid in escrow as provided in the agreement for possible use for paying taxes until conditions of the agreement are met and then to apply these amounts as provided in the agreement. No such settlement agreement shall be effective unless it shall have been approved by the court in which such litigation is pending. Any such

agreement which has been entered into prior to adoption of this amendatory Act of 1988 and which is contingent upon enactment of authorizing legislation shall be binding and enforceable.

(Source: P.A. 88-455; 88-535; 88-670, eff. 12-2-94.)

(35 ILCS 200/10-231 new)

Sec. 10-231. Definitions. As used in this Division, unless the context otherwise requires:

"Base year assessment" means the lower of the 1998 or 1999 assessment of the real property, as set by the board of review, of a nuclear electric generating station.

"Base year real estate percentage" means:

(1) in the case of a nuclear electric generating station for which the taxpayer has entered into a settlement agreement under Section 9-45 that sets forth a percentage of the nuclear electric generating station that is real property, the percentage set forth in the agreement; or

(2) in the case of a nuclear electric generating station for which the taxpayer has not entered into a settlement agreement under Section 9-45 that sets forth a percentage of the nuclear electric generating station that is real property, then a percentage equal to a fraction the numerator of which is the lower of the 1998 or 1999 assessment of the real property of the nuclear electric generating station as set by the board of review and the denominator of which is one-third of the original cost less depreciation of the nuclear electric generating station as of 1998 or 1999, whichever is lower.

"Electric generating station" means a station constructed and designed to generate electricity and that was owned, as of November 1, 1997, by an electric utility as defined in Section 16-102 of the Public Utilities Act.

"End-of-period assessment" means 33 1/3% of the end-of-period calculated facility value multiplied by the base year real estate percentage.

[Apr. 12, 2000]

"End-of-period calculated facility value" of a nuclear electric generating station means:

(1) for the Dresden nuclear electric generating station, \$200 per kilowatt of total installed capacity reflected on FERC form 1;

(2) for the Quad Cities nuclear electric generating station, \$110 per kilowatt of total installed capacity reflected on FERC form 1;

(3) for the LaSalle nuclear electric generating station, \$280 per kilowatt of total installed capacity reflected on FERC form 1;

(4) for the Braidwood nuclear electric generating station, \$395 per kilowatt of total installed capacity as reflected on FERC form 1;

(5) for the Byron nuclear electric generating station, \$395 per kilowatt of total installed capacity as reflected on FERC form 1; and

(6) for the Clinton nuclear generating station, \$375 per

kilowatt of total installed capacity reflected on FERC form 1.

"Non-nuclear electric generating station" means an electric generating station other than a nuclear electric generating station.

"Nuclear electric generating station" means an electric generating station that generates electricity using the fission of uranium.

"Permanently closed non-nuclear electric generating station" means a non-nuclear generating station (i) that does not generate electricity and (ii) for which the owner of the station has notified the Illinois Commerce Commission of its intent to permanently cease the generation of electricity.

"Permanently closed nuclear station" means a nuclear electric generating station with respect to which either (i) its owner has notified the Nuclear Regulatory Commission that it intends to permanently cease operations of the nuclear power generating units at the station and has ceased the nuclear generation of electricity or (ii) the Nuclear Regulatory Commission has revoked the owner's license.

"Transition amount" means the difference between the base year assessment and the end-of-period assessment.

"Transition period" means the period beginning on January 1, 2000 and ending on December 31, 2005.

(35 ILCS 200/10-232 new)

Sec. 10-232. Assessment of electric generating stations.

(a) During the transition period, the real property assessment with respect to a nuclear electric generating station that is not a permanently closed nuclear station is as follows:

(1) if there is a settlement agreement entered into under Section 9-45 that provides for the assessment of the nuclear electric generating station's real property for that year, the assessment provided for in the agreement; or

(2) if there is no settlement agreement entered into under Section 9-45 that provides for the assessment of the nuclear electric generating station's real property for that year, then:

(A) for the year 2000, the base year assessment less 50% of the transition amount;

(B) for the year 2001, the base year assessment less 60% of the transition amount;

(C) for the year 2002, the base year assessment less 70% of the transition amount;

(D) for the year 2003, the base year assessment less 80% of the transition amount;

[Apr. 12, 2000]

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(E) for the year 2004, the base year assessment less 90% of the transition amount; and

(F) for the year 2005, the end-of-period assessment.

(b) During the transition period, the real property assessment with respect to a nuclear electric generating station that was a permanently closed nuclear station as of January 1, 1999 is as follows:

(1) for the year 2000, 60% of its 1998 assessment;

(2) for the year 2001, 30% of its 1998 assessment; and

(3) for the years 2002 and until the end of the transition period, the lesser of (i) \$25,000,000 or (ii) 30% of the 1998 assessment.

(c) During the transition period, the real property assessment with respect to a nuclear electric generating station that becomes a permanently closed nuclear station after January 1, 1999 is as follows:

(1) for the first assessment year following the year in which the station is permanently closed, 60% of the prior year's assessment;

(2) for the second assessment year following the year in which the station is permanently closed, 30% of the last assessment prior to the permanent closure of the station; and

(3) for the third assessment year following the year in which the station is permanently closed and until the end of the transition period, the lesser of (i) \$25,000,000 or (ii) 30% of the last assessment prior to the permanent closure of the station.

(d) During the transition period, the real property assessment with respect to a non-nuclear electric generating station that is not a permanently closed non-nuclear generating station is as follows:

(1) if there is a settlement agreement entered into under Section 9-45 that provides for the assessment of the non-nuclear electric generating station's real property for that year, the assessment provided for in the agreement; or

(2) if there is no settlement agreement entered into under Section 9-45 that provides for the assessment of the non-nuclear electric generating station's real property for that year, then 33 1/3% of the fair cash value of the real property, but in no event shall the assessment increase over or decrease from the assessment for the prior year by more than 20%.

(e) During the transition period, the real property assessment with respect to a permanently closed non-nuclear electric generating station is 33 1/3% of the fair cash value of the real property without any limitation based upon the assessment of any prior year.

(f) The sale of any station that generates electricity shall not be a factor in the assessment of the property of a nuclear electric generating station for any assessment year during the transition period.

(g) During the transition period, land that was not improved with electric generating or substation equipment in the year of the base year assessment, but that has been reported to the Federal Energy Regulatory Commission as comprising part of a nuclear electric generating station, shall be assessed using the same valuation methodology that was applied to the land in the year of the base year assessment, unless the land is used for a purpose different from the year of base year assessment.

(35 ILCS 200/10-232.5 new)

Sec. 10-232.5. Assessment during and after the transition period.

(a) During the transition period, the assessed valuation of an

[Apr. 12, 2000]

electric generating station's real property is not subject to application of any equalization factor set by the Department of Revenue or local assessment officers. During this period, the equalized assessed valuation of the real property of an electric generating station shall be the same as its assessed valuation.

(b) For the 2006 assessment year and thereafter, the property of all electric generating stations shall be assessed based upon its fair cash value and without regard to Section 10-232 or subsection (a) of this Section.

(35 ILCS 200/10-233 new)

Sec. 10-233. Expedited assessment and appeal.

(a) On or before January 15, 2001 and on or before January 15 in each year thereafter, the assessor, in person or by deputy, shall actually view and determine as near as practicable the value of the property at each electric generating station in the assessor's jurisdiction according to this Division and shall certify to the chief county assessment officer the amount of the assessment. On or before February 1 of each year, the chief county assessment officer shall review the assessor's certification as may be necessary and proper and on or before February 15 shall notify the taxpayer of the assessment by mail and by publication in one or more newspapers of general circulation in each township or assessment district in which the property is located. At the top of the assessment there shall be a notice in substantially the following form printed in type no smaller than 11 point:

"NOTICE TO ELECTRIC GENERATING STATION TAXPAYERS".

The mailed notice shall be sent to the address of the taxpayer as it appears in the assessor's records. If the property at any electric generating station is not assessed on or before February 1, then the assessment shall be deemed to have been set by the chief county assessment officer at 100% of the prior year's assessment.

(b) Complaints that an electric generating station is overassessed or underassessed shall be filed with the board of review on or before March 1. In the event the board of review for the prior year is in session, the board shall act on any complaints that are filed in accordance with this subsection (b). In the event there is no board of review in session, the chief county assessment officer shall either recall the prior year's board of review or convene the current year's board of review so that the complaints may be heard and acted upon. The board of review shall notify, within 5 calendar days, the taxpayer and any taxing body in which such electric generating station is situated of receipt of the complaint and the date and time for hearing thereon. Not later than April 1, the board shall review the assessment and correct it, as appears to be just under the terms of this Division, or allow the assessment to stand. If the board does not issue its decision on the complaint by April 1, then the complaint shall be deemed denied and the taxpayer and any taxing body shall have the right to appeal to the Property Tax Appeal Board according to subsection (c). After April 1, the board of review shall have no authority to revise the assessment of an electric generating station for that assessment year.

(c) Any taxpayer dissatisfied with the decision of a board of review as the decision pertains to the assessment of his or her property at an electric generating station or any taxing body in which such electric generating station is situated may, before May 1, appeal the decision to the Property Tax Appeal Board for review.

(d) Upon receipt of a petition complaining of the assessment of

an electric generating station with an assessed valuation in excess of \$20,000,000 or a petition complaining that the assessment of an electric generating station should be set in excess of \$20,000,000:

[Apr. 12, 2000]

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87

(1) the Property Tax Appeal Board shall, within 10 calendar days, set the matter for a pre-hearing conference not later than June 15 and provide notice of the date of the pre-hearing conference and a copy of the petition to the appellant, the taxpayer if other than the appellant, the board of review whose decision is being appealed and the State's Attorney of that county;

(2) notice to all taxing bodies in which such electric generating station is situated shall be deemed to be given when served upon the board of review whose decision is being appealed;

(3) the board of review shall, within 5 calendar days of the receipt of the notice and petition from the Property Tax Appeal Board, mail an additional copy of the notice and petition on all taxing bodies as shown on the last available tax bill;

(4) the Property Tax Appeal Board shall consider the appeal de novo and shall issue a decision not later than February 1 of the year following the assessment year; and

(5) the assessment determined by the Property Tax Appeal Board shall be used as the assessment of the electric generating station for the calculation and extension of taxes notwithstanding the filing of any petition for administrative review.

(35 ILCS 200/10-233.5 new)

Sec. 10-233.5. Exclusions. The provisions of Sections 10-231, 10-232, 10-232.5, 10-233, and 10-233.6 do not apply to nuclear and non-nuclear electric generating stations in counties with a population of more than 3,000,000 inhabitants.

(35 ILCS 200/10-233.6 new)

Sec. 10-233.6. Applicability. To the extent that Sections 10-231, 10-232, 10-232.5, and 10-233 are in conflict with other provisions of the Property Tax Code, the provisions of Sections 10-231, 10-232, 10-232.5, and 10-233 control.

(35 ILCS 200/10-234 new)

Sec. 10-234. Inseverability. The provisions of this amendatory Act of the 91st General Assembly are mutually dependent and inseverable. If any provision is held invalid other than as applied to a particular person or circumstance, then this entire amendatory Act is invalid.

Section 99. Effective date. This Act takes effect upon becoming law."

Under the rules, the foregoing **Senate Bill No. 23**, with House Amendments numbered 1, 2 and 4, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage

of a bill of the following title, to-wit:

SENATE BILL NO. 1444

A bill for AN ACT to amend the Higher Education Student Assistance Act by adding Section 65.57.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 4 to SENATE BILL NO. 1444

House Amendment No. 5 to SENATE BILL NO. 1444

[Apr. 12, 2000]

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88

Passed the House, as amended, April 12, 2000.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 4 TO SENATE BILL 1444

AMENDMENT NO. 4. Amend Senate Bill 1444 on page 1, by replacing lines 1 and 2 with the following:

"AN ACT to eliminate the digital divide."; and  
on page 1, by replacing lines 5 and 6 with the following:

"ARTICLE 1. SHORT TITLE; FINDINGS; PURPOSES

Section 1-1. Short title. This Act may be cited as the Eliminate the Digital Divide Act.

Section 1-5. Statement of legislative findings and purposes. The General Assembly finds that the growth of high technology industry, including computers, the Internet, and advanced telecommunications, has created a division in society. Those who are able to master the tools of the new digital technology and have access to the technology have benefited in the form of improved employment possibilities and a higher standard of life. Those who are unfamiliar with the new technologies, or do not have access to them, are increasingly constrained to marginal employment and a standard of living near the poverty level. This "digital divide" parallels existing economic, racial, and gender divisions in society, with the more privileged members of society having much greater opportunity to benefit from the new technologies than those who are less favorably situated. It is the purpose of this Act to establish educational and economic development initiatives that will bridge the digital divide, making possible a society in which all individuals can benefit from the opportunities provided by the new technologies.

ARTICLE 5. GRANT PROGRAMS

Section 5-5. Definitions; descriptions. As used in this Article:

"Board" means the Illinois Community College Board.

"Community-based organization" means a private not-for-profit organization that is located in an Illinois community and that provides services to citizens within that community and the surrounding area.

"Community technology centers" provide computer access and educational services using information technology. Community technology centers are diverse in the populations they serve and programs they offer, but similar in that they provide technology

access to individuals, communities, and populations that typically would not otherwise have places to use computer and telecommunications technologies.

"National school lunch program" means a program administered by the U.S. Department of Agriculture and state agencies that provides free or reduced price lunches to economically disadvantaged children. A child whose family income is between 130% and 185% of applicable family size income levels contained in the nonfarm poverty guidelines prescribed by the Office of Management and Budget is eligible for a reduced price lunch. A child whose family income is 130% or less of applicable family size income levels contained in the nonfarm income poverty guidelines prescribed by the Office of Management and Budget is eligible for a free lunch.

"Telecommunications services" provided by telecommunications carriers include all commercially available telecommunications services in addition to all reasonable charges that are incurred by taking such services, such as state and federal taxes.

"Other special services" provided by telecommunications carriers include Internet access and installation and maintenance of internal connections in addition to all reasonable charges that are incurred by taking such services, such as state and federal taxes.

[Apr. 12, 2000]

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Section 5-10. Digital Divide Bridge Grant Program.

(a) Subject to appropriation, the Board shall administer the Digital Divide Bridge Grant Program under which the Board shall make grants in accordance with this Article to community-based organizations for the purchase of telecommunications services, other special services, computer equipment, software, and maintenance for computer equipment and software, where the purchases are directly related to educational and workforce preparation programs.

(b) To be eligible to apply for a grant, a community-based organization must serve a community in which not less than 50% of the students are eligible for a free or reduced price lunch under the national school lunch program or not less than 40% of the students are eligible for a free lunch under the national school lunch program; however, if funding is insufficient to approve all grant applications for a particular fiscal year, the Board may impose a higher minimum percentage threshold for that fiscal year. Determinations of communities and determinations of the percentage of students in a community who are eligible for a free or reduced price lunch under the national school lunch program shall be in accordance with rules adopted by the Board. The Board shall provide assistance to community-based organizations in making those determinations for purposes of applying for grants.

(c) Grant applications shall be submitted to the Board not later than March 15 for the next fiscal year.

(d) A community-based organization may receive a grant only if it supplies matching funds. The grant to a particular community-based organization for a fiscal year shall be equal to a percentage of the total amount of eligible expenditures to be made by that community-based organization under this Article during that fiscal year. That percentage shall be the same as the percentage of students

in the community served by that community-based organization who are eligible for a free or reduced price lunch under the national school lunch program. The remainder of the expenditures shall be made by that community-based organization using the matching funds that it supplies. A community-based organization shall specify in its grant application the total amount of eligible expenditures proposed to be made by the community-based organization in the next fiscal year, the amount of the grant being sought, and the amount of matching funds that it proposes to supply.

(e) The Board shall adopt rules setting forth the required form and contents of grant applications.

Section 5-15. Resale; community-based organizations.

(a) Products and services purchased by community-based organizations with grant funds may not be sold, resold, or transferred in consideration of money or any other thing of value except with the prior approval of the Board.

(b) This prohibition on resale shall not bar community-based organizations from charging fees for educational or workforce preparation courses. There is no prohibition on the resale of products or services that are not purchased with grant funds.

Section 5-20. Auditing; records; community-based organizations.

(a) Community-based organizations shall be required to maintain for expenditures made under this Article any procurement records required by the Board. Community-based organizations shall produce those records at the request of the Board, any auditor appointed by the State, or any State officer or agency entitled to inspect the records.

(b) Community-based organizations shall be subject to random compliance audits to evaluate what products and services they are purchasing and how the products and services are being used.

[Apr. 12, 2000]

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Section 5-30. Community Technology Center Grant Program.

(a) Subject to appropriation, the Board shall administer the Community Technology Center Grant Program under which the Board shall make grants in accordance with this Article for planning, establishment, administration, and expansion of Community Technology Centers. The purposes of the grants shall include, but not be limited to, volunteer recruitment and management, infrastructure, and related goods and services for Community Technology Centers. The total amount of grants under this Section in fiscal year 2001 shall not exceed \$2,000,000. No Community Technology Center may receive a grant of more than \$50,000 under this Section in a particular fiscal year.

(b) State educational agencies, local educational agencies, institutions of higher education, and other public and private nonprofit or for-profit agencies and organizations are eligible to receive grants under this Program. A group of eligible entities is also eligible to receive a grant if the group follows the procedures for group applications in 34 CFR 75.127-129 of the Education Department General Administrative Regulations.

To be eligible to apply for a grant, a Community Technology Center must serve a community in which not less than 50% of the students are eligible for a free or reduced price lunch under the

national school lunch program or in which not less than 40% of the students are eligible for a free lunch under the national school lunch program; however, if funding is insufficient to approve all grant applications for a particular fiscal year, the Board may impose a higher minimum percentage threshold for that fiscal year. Determinations of communities and determinations of the percentage of students in a community who are eligible for a free or reduced price lunch under the national school lunch program shall be in accordance with rules adopted by the Board.

Any entities that have received a Community Technology Center grant under the federal Community Technology Centers Program are also eligible to apply for grants under this Program.

The Board shall provide assistance to Community Technology Centers in making those determinations for purposes of applying for grants.

(c) Grant applications shall be submitted to the Board not later than March 15 for the next fiscal year.

(d) The Board shall adopt rules setting forth the required form and contents of grant applications.

Section 5-35. Resale; Community Technology Centers.

(a) Products and services purchased by Community Technology Centers with grant funds may not be sold, resold, or transferred in consideration of money or any other thing of value except with the prior approval of the Board.

(b) This prohibition on resale shall not bar Community Technology Centers from charging fees for education or workforce preparation courses. There is no prohibition on the resale of products or services that are not purchased with grant funds.

Section 5-40. Auditing; records; Community Technology Centers.

(a) Community Technology Centers shall be required to maintain for expenditures made under this Article any procurement records required by the Board. Community Technology Centers shall produce those records at the request of the Board, any auditor appointed by the State, or any State officer or agency entitled to inspect the records.

(b) Community Technology Centers shall be subject to random compliance audits to evaluate what products and services they are purchasing and how the products and services are being used.

Section 5-45. Statewide Community Technology Center Network.

[Apr. 12, 2000]

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Subject to appropriation, the Board shall expend not more than \$100,000 in fiscal year 2001 to establish and administer a Statewide Community Technology Center Network to assist in local and regional planning under this Article.

Section 5-105. Rules. The Board may adopt any rules that are necessary and appropriate to carry out this Article.

ARTICLE 90. AMENDATORY PROVISIONS

Section 90-5. The School Code is amended by adding Sections 2-3.131 and 2-3.132 as follows:

(105 ILCS 5/2-3.131 new)

Sec. 2-3.131. Computers for children program.

(a) The General Assembly finds that future jobs will require

computer skills, and the State of Illinois should assist in providing schools, park district programs, and community centers with the computer equipment necessary to assure technological literacy and a better trained workforce.

(b) Subject to appropriation, the State Board of Education shall create a program, to be known as the "Cdrives for Kids Program", to refurbish and upgrade donated computers as high quality computers for use by children in schools, park district programs, and community centers. To implement and administer this program, the State Board of Education shall do all of the following:

(1) Establish and annually revise the minimum standards for computers that will be accepted by the program and the minimum specifications for the refurbishment of donated computers as high quality computers that will be able to access online educational resources and perform multi-media functions.

(2) Contract with one or more not-for-profit organizations to handle arrangements for marketing, receipt, storage, and delivery of donated and refurbished computers to designated sites.

(3) Contract with any schools, community colleges, universities, or not-for-profit organizations to refurbish donated computers pursuant to this program, provided that security measures are instituted to remove confidential information from donated computers prior to access by any unauthorized persons.

(4) Allocate high quality computers after they are refurbished, based on an application process, to schools, park district programs, and community centers, as defined by the State Board of Education, at no or a low cost.

(c) The State Board of Education may utilize funds appropriated by the General Assembly and any other private funding available for this program for the purchase of computer supplies and parts; the purchase of computer software; reasonable costs associated with marketing, receipt, storage, and delivery of donated and refurbished computers; and reasonable administrative expenses incurred by the State Board of Education and organizations contracting with the State Board of Education pursuant to subsection (b) of this Section.

(d) The State Board of Education may adopt any rules necessary to implement and administer this program.

(105 ILCS 5/2-3.132 new)

Sec. 2-3.132. E-training/technology program.

(a) Subject to appropriation, the State Board of Education shall create and administer an e-training/technology program to train elementary and high school teachers in eligible school districts, as defined in subsection (b), using 2 courses, Introduction to Computers and Introduction to the Internet.

(b) As used in this Section, "eligible school district" means a school district in which not less than 50% of the students are

[Apr. 12, 2000]

eligible for a free or reduced price lunch under the national school lunch program or not less than 40% of the students are eligible for a free lunch under the national school lunch program. As used in this

Section, "national school lunch program" has the meaning ascribed to that term in Article 5 of the Eliminate the Digital Divide Act.

Section 90-10. The Public Community College Act is amended by adding Section 2-20 as follows:

(110 ILCS 805/2-20 new)

Sec. 2-20. Pilot program; introductory course in computers and the Internet. Subject to appropriation, the State Board shall create and administer a pilot program in 3 community colleges, one of which is located in a municipality with a population exceeding 2,000,000; one of which is located in a county that has a population of less than 400,000, is not adjacent to a county with a population more than 3,000,000, and serves an area containing at least one municipality whose population exceeds 30,000; and one of which is located in a county that has a population of less than 400,000, is not adjacent to a county with a population more than 3,000,000, and serves an area containing no municipalities whose populations exceed 30,000. Under the pilot program, an introductory course in computers and the Internet shall be offered. Students who complete the course shall be eligible to purchase computer hardware and software at a discounted, affordable price. The State Board shall adopt rules for the administration of the pilot program.

Section 90-105. The Higher Education Student Assistance Act is amended by adding Sections 35.5 and 65.57 as follows:

(110 ILCS 947/35.5 new)

Sec. 35.5. Computer assistance grant program.

(a) Subject to appropriation, the Commission shall award grants to students under a program to increase the availability of computers to financially needy students through State assistance. A student is eligible for a grant under this program if the student is a recipient of a grant under Section 35 of this Act. The Commission shall request annual appropriations for this program. The Commission may adopt any rules necessary to implement and administer this program.

(b) This Section is repealed on July 1, 2002."; and on page 3, by replacing lines 12 and 13 with the following:

"ARTICLE 99. EFFECTIVE DATE

Section 99-1. Effective date. This Act takes effect upon becoming law, except that the provisions adding Section 65.57 to the Higher Education Student Assistance Act take effect on July 1, 2000."

#### AMENDMENT NO. 5 TO SENATE BILL 1444

AMENDMENT NO. 5. Amend Senate Bill 1444, AS AMENDED, with reference to page and line numbers of House Amendment No. 4, on page 1, line 8, by replacing "Act" with "Article and Article 5"; and on page 7, immediately below line 25, by inserting the following:

"ARTICLE 30. SOUTHWESTERN ILLINOIS TEACHER'S  
ACADEMY FOR MATH, SCIENCE, AND TECHNOLOGY

Section 30-1. Short title. This Article may be cited as the Southwestern Illinois Teacher's Academy for Math, Science, and Technology Act.

Section 30-5. Policy and purposes. It shall be the policy of the State of Illinois to provide excellence in mathematics and science education in order to nourish an informed citizenry, assure technological skills for the work force, and assist in the preparation of professionals to serve the interests of Illinois in such fields as engineering, research, teaching, and computer technology. It shall further be the policy to enlist the support of

the educational, industrial, and scientific communities in a cooperative effort to provide excellence in science and mathematics education. As a symbol of this cooperative endeavor, there shall be established the Southwestern Illinois Teacher's Academy for Math, Science, and Technology to serve the people of Illinois as a teacher's institution and the school system of the State as a catalyst and laboratory for the advancement of teaching.

The Academy shall carry a responsibility to stimulate further excellence for all Illinois schools in mathematics and science. That responsibility may be exercised through any or all of the following means:

- (1) Stimulating curriculum development and revisions through the collaborative efforts of the interacting institutions involved in the Academy including: universities, secondary schools, the industrial sector, and national laboratories.
- (2) Providing preservice training sites for persons in preparation for the teaching of science and mathematics.
- (3) Hosting summer institute opportunities for Illinois teachers modeled after the successful National Science Foundation program prevalent in the 1960s.
- (4) Offering speakers and programs for teacher institutes and in-service training around the State.
- (5) Producing videotapes of lectures and experiments for use in the schools of this State.

Section 30-10. Establishment, funding, and location. There is hereby created the Southwestern Illinois Teacher's Academy for Math, Science, and Technology, which shall be an institution located at the former Parks College campus site in Cahokia, Illinois. The Academy shall be a State agency, funded by State appropriations, private contributions, and endowments. The Academy may offer a program of postsecondary course work to teachers. Minimal fees for students may be charged.

The Academy shall annually submit to the Board of Higher Education its budget proposal for the operation and capital needs of the Academy for its next fiscal year. Funding is subject to a separate annual appropriation from the Board of Higher Education.

Section 30-15. Board of Trustees. The Southwestern Illinois Teacher's Academy for Math, Science, and Technology shall be governed by a Board of Trustees, which shall consist of the following members:

- (1) Four ex officio nonvoting members who shall be: the State Superintendent of Education; the Executive Director of the Illinois Community College Board; the Executive Director of the State Board of Higher Education; and the Superintendent of Schools in the school district in which the Academy is located.
- (2) Three representatives of secondary education, one of whom must be a math or science teacher, appointed by the State Superintendent of Education.
- (3) Two representatives of higher education, one of whom must be a Dean of Education, appointed by the Executive Director of the Board of Higher Education.
- (4) Three representatives of the scientific community in

Illinois appointed by the Governor.

(5) Three representatives of the Illinois private industrial sector appointed by the Governor.

(6) Two members representative of the general public at large appointed by the Governor.

With the exception of the initial appointments, the members' terms of office shall be for 6 years. At the first meeting members shall draw lots for appointments of 2, 4, or 6 year initial terms. Vacancies shall be filled for the unexpired portion of the terms by

[Apr. 12, 2000]

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appointment of the officer who appointed the person causing such vacancy. The initial terms shall commence upon appointment and upon expiration of a term, the member shall continue serving until a successor is appointed. The Board shall select a chair from among its members who shall serve a 2-year term as chair. Members shall receive no salary but shall be reimbursed for all ordinary and necessary expenses incurred in performing their duties as members of the Board.

Section 30-20. Powers of the Board.

(a) The Board of Trustees is hereby authorized to:

(1) Accept donations, bequests, or other forms of financial assistance for educational purposes from any public or private person or agency and comply with rules and regulations governing grants from the federal government or from any other person or agency, which are not in contravention of the Illinois Constitution or the laws of the State of Illinois.

(2) Purchase equipment and make improvements to facilities necessary for the use of the school, in accordance with applicable law.

(3) Adopt, amend, or repeal rules, regulations, and policies necessary or proper for the conduct of the business of the Board.

(4) Award certificates for successful completion of programs of study requirements.

(5) Select a Director who shall be the chief administrative officer of the Academy and who shall administer the rules, regulations, and policies adopted by the Board pursuant hereto. The Director shall also be the chief administrative officer of the Board and shall be responsible for all the administrative functions, duties, and needs of the Board.

(6) Determine faculty and staff positions necessary for the efficient operation of the school and select personnel for such positions.

(7) Prepare and adopt an annual budget necessary for the continued operation of the school.

(8) Enter into contracts and agreements that have been recommended by the Director, in accordance with applicable law, and to the extent that funds are specifically appropriated therefor, with other public agencies with respect to cooperative enterprises and undertaking related to or associated with an educational purpose or program affecting education in the school. This shall not preclude the Board from entering into other such contracts and agreements that it may deem necessary to carry out

its duties and functions.

(9) Perform such other functions as are necessary to the supervision and control of those phases of education under its supervision and control.

(10) The Board shall delegate to the Director such of its administrative powers and duties as it deems appropriate to aid the Director in the efficient administration of his responsibility for the implementation of the policies of the Board.

(11) The Academy shall be empowered to lease or purchase real and personal property on commercially reasonable terms for the use of the Academy. Any leases or purchases of real or personal property and any disposition thereof by the Academy must be in compliance with the provisions of The Civil Administrative Code of Illinois and the State Property Control Act. Personal property acquired for the use of the Academy shall be inventoried and disposed of in accordance with the State Property Control Act.

[Apr. 12, 2000]

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95

(b) In addition to the authorities granted herein and any powers, duties, and responsibilities vested by any other applicable laws, the Board shall:

(1) Adopt rules, regulations, and policies necessary for the efficient operation of the school.

(2) Establish criteria to be used in determining eligibility of applicants for enrollment.

(3) Determine subjects to be offered.

(4) Pay salaries and expenses, including but not necessarily restricted to facilities, equipment, and supplies of the faculty and staff of the Academy out of funds appropriated or otherwise made available for the operating and administrative expenses of the Board and the Academy.

(5) Exercise budgetary responsibility and allocate for expenditure by the Academy and programs under its jurisdiction, all moneys appropriated or otherwise made available for purposes of the Board and of such Academy and programs.

(6) Prepare and adopt or approve programs of study and rules, bylaws, and regulations for the government of the school and programs under its jurisdiction.

(7) Employ such personnel as may be needed, establish policies governing their employment and dismissal, and fix the amount of their compensation. In the employment, establishment of policies, and fixing of compensation the Board may make no discrimination on account of sex, race, creed, color or national origin.

The Academy, its Board of Trustees, and its employees shall be represented and indemnified in certain civil law suits in accordance with "An Act to provide for representation and indemnification in certain civil lawsuits", approved December 3, 1977, as amended.

Neither the Academy, nor its officers, employees, or Board members shall participate in the creation of any corporation, joint venture, partnership, association, or other organizational entity

that exercises, expands, or enhances the powers, duties, or responsibilities of the Academy unless specifically authorized by the General Assembly by law.

This Section does not restrict the Academy from creating any organization entity which is within or a part of the Academy."

Under the rules, the foregoing **Senate Bill No. 1444**, with House Amendments numbered 4 and 5, was referred to the Secretary's Desk.

A message from the House by  
Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the adoption of their amendments to a bill of the following title, to-wit:

HOUSE BILL 730

A bill for AN ACT to amend the Criminal Code of 1961 by changing Section 3-6.

Which amendments are as follows:  
Senate Amendment No. 1 to HOUSE BILL NO. 730.  
Senate Amendment No. 2 to HOUSE BILL NO. 730.

Non-concurred in by the House, April 12, 2000.

ANTHONY D. ROSSI, Clerk of the House

[Apr. 12, 2000]

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96

Under the rules, the foregoing **House Bill No. 730**, with Senate Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by  
Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendments to a bill of the following title, to-wit:

HOUSE BILL 1534

A bill for AN ACT making an appropriation to the Department of Children and Family Services.

Which amendments are as follows:  
Senate Amendment No. 1 to HOUSE BILL NO. 1534.  
Senate Amendment No. 2 to HOUSE BILL NO. 1534.

Concurred in by the House, April 12, 2000.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by  
Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the

adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 3082

A bill for AN ACT to amend the Criminal Code of 1961 by changing Section 21-1.5.

Which amendment is as follows:

Senate Amendment No. 2 to HOUSE BILL NO. 3082.

Concurred in by the House, April 12, 2000.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 3476

A bill for AN ACT to amend the Motor Fuel Tax Law by changing Section 8.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 3476.

Concurred in by the House, April 12, 2000.

ANTHONY D. ROSSI, Clerk of the House

**INTRODUCTION OF A BILL**

**SENATE BILL NO. 1960.** Introduced by Senator T. Walsh, a bill for AN ACT in relation to motor vehicle fuel sales.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

[Apr. 12, 2000]

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**HOUSE BILL RECALLED**

On motion of Senator Maitland, **House Bill No. 1583** was recalled from the order of third reading to the order of second reading.

Senator Maitland offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1583 by replacing the title with the following:

"AN ACT in relation to public employee benefits."; and by replacing everything after the enacting clause with the following:

"Section 5. The State Employees Group Insurance Act of 1971 is amended by changing Section 6.10 as follows:

(5 ILCS 375/6.10)

Sec. 6.10. Contributions to the Community College Health Insurance Security Fund.

(a) Beginning January 1, 1999, every active contributor of the State Universities Retirement System (established under Article 15 of the Illinois Pension Code) who (1) is a full-time employee of a community college district (other than a community college district subject to Article VII of the Public Community College Act) or an association of community college boards and (2) is not an employee as defined in Section 3 of this Act shall make contributions toward the cost of community college annuitant and survivor health benefits at the rate of 0.50% of salary.

These contributions shall be deducted by the employer and paid to the State Universities Retirement System as service agent for the Department of Central Management Services. The System may use the same processes for collecting the contributions required by this subsection that it uses to collect the contributions received from those employees under Section 15-157 of the Illinois Pension Code. An employer may agree to pick up or pay the contributions required under this subsection on behalf of the employee; such contributions shall be deemed to have been paid by the employee.

~~A person required to make contributions under this subsection (a) who purchases optional service credit under Article 15 of the Illinois Pension Code must also pay the contribution required under this subsection (a) with respect to that optional service credit. This contribution must be received by the System before that optional service credit is granted.~~

The State Universities Retirement System shall promptly deposit all moneys collected under this subsection (a) into the Community College Health Insurance Security Fund created in Section 6.9 of this Act. The moneys collected under this Section shall be used only for the purposes authorized in Section 6.9 of this Act and shall not be considered to be assets of the State Universities Retirement System. Contributions made under this Section are not transferable to other pension funds or retirement systems and are not refundable upon termination of service.

(b) Beginning January 1, 1999, every community college district (other than a community college district subject to Article VII of the Public Community College Act) or association of community college boards that is an employer under the State Universities Retirement System shall contribute toward the cost of the community college health benefits provided under Section 6.9 of this Act an amount equal to 0.50% of the salary paid to its full-time employees who participate in the State Universities Retirement System and are not members as defined in Section 3 of this Act.

These contributions shall be paid by the employer to the State

[Apr. 12, 2000]

Universities Retirement System as service agent for the Department of Central Management Services. The System may use the same processes for collecting the contributions required by this subsection that it uses to collect the contributions received from those employers under Section 15-155 of the Illinois Pension Code.

The State Universities Retirement System shall promptly deposit

all moneys collected under this subsection (b) into the Community College Health Insurance Security Fund created in Section 6.9 of this Act. The moneys collected under this Section shall be used only for the purposes authorized in Section 6.9 of this Act and shall not be considered to be assets of the State Universities Retirement System. Contributions made under this Section are not transferable to other pension funds or retirement systems and are not refundable upon termination of service.

(c) On or before November 15 of each year, the Board of Trustees of the State Universities Retirement System shall certify to the Governor, the Director of Central Management Services, and the State Comptroller its estimate of the total amount of contributions to be paid under subsection (a) of this Section for the next fiscal year. The certification shall include a detailed explanation of the methods and information that the Board relied upon in preparing its estimate. As soon as possible after the effective date of this Section, the Board shall submit its estimate for fiscal year 1999.

(d) Beginning in fiscal year 1999, on the first day of each month, or as soon thereafter as may be practical, the State Treasurer and the State Comptroller shall transfer from the General Revenue Fund to the Community College Health Insurance Security Fund 1/12 of the annual amount appropriated for that fiscal year to the State Comptroller for deposit into the Community College Health Insurance Security Fund under Section 1.4 of the State Pension Funds Continuing Appropriation Act.

(e) Except where otherwise specified in this Section, the definitions that apply to Article 15 of the Illinois Pension Code apply to this Section.

(Source: P.A. 90-497, eff. 8-18-97.)

Section 10. The Illinois Pension Code is amended by changing Sections 1-113.2, 1-116, 2-121, 2-121.1, 3-110, 7-139, 7-141, 7-141.1, 7-145.1, 7-157, 7-164, 7-166, 7-167, 7-184, 7-211, 8-125, 8-139, 8-153, 8-171, 8-244, 9-149, 9-194, 11-124, 11-134.2, 11-148, 11-167, 11-181, 11-182, 11-223, 13-303, 13-309, 13-310, 13-311, 13-314, 13-603, 14-118, 14-120, 14-128, 14-130, 15-107, 15-111, 15-112, 15-120, 15-134.5, 15-136.4, 15-139, 15-140, 15-141, 15-142, 15-144, 15-145, 15-154, 15-158.2, 15-181, 16-133, 16-135, 16-136.4, 16-138, 16-140, 16-143, 16-149.4, 16-184, 17-106, 17-117, 17-133, 17-150, 18-128, 20-121, 20-123, 20-124, 20-125, and 20-131 and adding Sections 1-120, 7-224, and 15-132.2 as follows:

(40 ILCS 5/1-113.2)

Sec. 1-113.2. List of permitted investments for all Article 3 or 4 pension funds. Any pension fund established under Article 3 or 4 may invest in the following items:

(1) Interest bearing direct obligations of the United States of America.

(2) Interest bearing obligations to the extent that they are fully guaranteed or insured as to payment of principal and interest by the United States of America.

(3) Interest bearing bonds, notes, debentures, or other similar obligations of agencies of the United States of America. For the purposes of this Section, "agencies of the United States of America" includes: (i) the Federal National Mortgage Association and the Student Loan Marketing Association; (ii) federal land banks, federal

intermediate credit banks, federal farm credit banks, and any other entity authorized to issue direct debt obligations of the United States of America under the Farm Credit Act of 1971 or amendments to that Act; (iii) federal home loan banks and the Federal Home Loan Mortgage Corporation; and (iv) any agency created by Act of Congress that is authorized to issue direct debt obligations of the United States of America.

(4) Interest bearing savings accounts or certificates of deposit, issued by federally chartered banks or savings and loan associations, to the extent that the deposits are insured by agencies or instrumentalities of the federal government.

(5) Interest bearing savings accounts or certificates of deposit, issued by State of Illinois chartered banks or savings and loan associations, to the extent that the deposits are insured by agencies or instrumentalities of the federal government.

(6) Investments in credit unions, to the extent that the investments are insured by agencies or instrumentalities of the federal government.

(7) Interest bearing bonds of the State of Illinois.

(8) Pooled interest bearing accounts managed by the Illinois Public Treasurer's Investment Pool in accordance with the Deposit of State Moneys Act and interest bearing funds or pooled accounts managed, operated, and administered by banks, subsidiaries of banks, or subsidiaries of bank holding companies in accordance with the laws of the State of Illinois.

(9) Interest bearing bonds or tax anticipation warrants of any county, township, or municipal corporation of the State of Illinois.

(10) Direct obligations of the State of Israel, subject to the conditions and limitations of item (5.1) of Section 1-113.

(11) Money market mutual funds managed by investment companies that are registered under the federal Investment Company Act of 1940 and the Illinois Securities Law of 1953 and are diversified, open-ended management investment companies; provided that the portfolio of the money market mutual fund is limited to the following:

(i) bonds, notes, certificates of indebtedness, treasury bills, or other securities that are guaranteed by the full faith and credit of the United States of America as to principal and interest;

(ii) bonds, notes, debentures, or other similar obligations of the United States of America or its agencies; and

(iii) short term obligations of corporations organized in the United States with assets exceeding \$400,000,000, provided that (A) the obligations mature no later than 180 days from the date of purchase, (B) at the time of purchase, the obligations are rated by at least 2 standard national rating services at one of their 3 highest classifications, and (C) the obligations held by the mutual fund do not exceed 10% of the corporation's outstanding obligations.

(12) General accounts of life insurance companies authorized to transact business in Illinois.

(13) Any combination of the following, not to exceed 10% of the pension fund's net assets:

(i) separate accounts that are managed by life insurance

companies authorized to transact business in Illinois and are comprised of diversified portfolios consisting of common or preferred stocks, bonds, or money market instruments; ~~and~~

(ii) separate accounts that are managed by insurance companies authorized to transact business in Illinois, and are comprised of real estate or loans upon real estate secured by

[Apr. 12, 2000]

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100

first or second mortgages; and

(iii) mutual funds that meet the following requirements:

(A) the mutual fund is managed by an investment company as defined and registered under the federal Investment Company Act of 1940 and registered under the Illinois Securities Law of 1953;

(B) the mutual fund has been in operation for at least 5 years;

(C) the mutual fund has total net assets of \$250 million or more; and

(D) the mutual fund is comprised of diversified portfolios of common or preferred stocks, bonds, or money market instruments.

(Source: P.A. 90-507, eff. 8-22-97.)

(40 ILCS 5/1-116) (from Ch. 108 1/2, par. 1-116)

Sec. 1-116. Federal contribution and benefit limitations limitation.

(a) This Section applies to all pension funds and retirement systems established under this Code.

(a-5) All pension funds and retirement systems established under this Code shall comply with the applicable contribution and benefit limitations imposed by Section 415 of the U.S. Internal Revenue Code of 1986 for tax qualified plans under Section 401(a) of that Code.

(b) If any benefit payable by a pension fund or retirement system subject to this Section exceeds the applicable benefit limits set by Section 415 of the U.S. Internal Revenue Code of 1986 for tax qualified plans under Section 401(a) of that Code, the excess shall be payable only from an excess benefit fund established under this Section in accordance with federal law.

(c) An excess benefit fund shall be established by any pension fund or retirement system subject to this Section that has any member eligible to receive a benefit that exceeds the applicable benefit limits set by Section 415 of the U.S. Internal Revenue Code of 1986 for tax qualified plans under Section 401(a) of that Code. Amounts shall be credited to the excess benefit fund, and payments for excess benefits made from the excess benefit fund, in a manner consistent with the applicable federal law.

(d) For purposes of matters relating to the benefit limits set by Section 415 of the U.S. Internal Revenue Code of 1986, the limitation year may be defined by each affected pension fund or retirement system for that fund or system.

(Source: P.A. 90-19, eff. 6-20-97.)

(40 ILCS 5/1-120 new)

Sec. 1-120. Payment to trust.

(a) If a person is a minor or has been determined by a court to

be under a legal disability, any benefits payable to that person under this Code may be paid to the trustee of a trust created for the sole benefit of that person while the person is living, if the trustee of the trust has advised the board of trustees of the pension fund or retirement system in writing that the benefits will be held or used for the sole benefit of that person. The pension fund or retirement system shall not be required to determine the validity of the trust or of any of the terms of the trust. The representation of the trustee that the trust meets the requirements of this Section shall be conclusive as to the pension fund or retirement system. Payment of benefits to the trust shall be an absolute discharge of the pension fund or retirement system's liability with respect to the amounts so paid.

(b) For purposes of this Section, "minor" means an unmarried person under the age of 18.

[Apr. 12, 2000]

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101

(c) This Section is not a limitation on any other power to pay benefits to or on behalf of a minor or person under legal disability that is granted under this Code or other applicable law.

(40 ILCS 5/2-121) (from Ch. 108 1/2, par. 2-121)

Sec. 2-121. Survivor's annuity - conditions for payment.

(a) A survivor's annuity shall be payable to a surviving spouse or eligible child (1) upon the death in service of a participant with at least 2 years of service credit, or (2) upon the death of an annuitant in receipt of a retirement annuity, or (3) upon the death of a participant who terminated service with at least 4 years of service credit.

The change in this subsection (a) made by this amendatory Act of 1995 applies to survivors of participants who die on or after December 1, 1994, without regard to whether or not the participant was in service on or after the effective date of this amendatory Act of 1995.

(b) To be eligible for the survivor's annuity, the spouse and the participant or annuitant must have been married for a continuous period of at least one year immediately preceding the date of death, but need not have been married on the day of the participant's last termination of service, regardless of whether such termination occurred prior to the effective date of this amendatory Act of 1985.

(c) The annuity shall be payable beginning on the date of a participant's death, or the first of the month following an annuitant's death, if the spouse is then age 50 or over, or beginning at age 50 if the spouse is then under age 50. If an eligible child or children of the participant or annuitant (or a child or children of the eligible spouse meeting the criteria of item (1), (2), or (3) of subsection (d) of this Section) also survive, and the child or children are under the care of the eligible spouse, the annuity shall begin as of the date of a participant's death, or the first of the month following an annuitant's death, without regard to the spouse's age.

The change to this subsection made by this amendatory Act of 1998 (relating to children of an eligible spouse) applies to the eligible spouse of a participant or annuitant who dies on or after the

effective date of this amendatory Act, without regard to whether the participant or annuitant is in service on or after that effective date.

(d) For the purposes of this Section and Section 2-121.1, "eligible child" means a child of the deceased participant or annuitant who is at least one of the following:

- (1) unmarried and under the age of 18;
- (2) unmarried, a full-time student, and under the age of 22;
- (3) dependent by reason of physical or mental disability.

The inclusion of unmarried students under age 22 in the calculation of survivor's annuities by this amendatory Act of 1991 shall apply to all eligible students beginning January 1, 1992, without regard to whether the deceased participant or annuitant was in service on or after the effective date of this amendatory Act of 1991.

Adopted children shall have the same status as children of the participant or annuitant, but only if the proceedings for adoption are commenced at least one year prior to the date of the participant's or annuitant's death.

(e) Remarriage of a surviving spouse prior to attainment of age 55 shall disqualify the surviving spouse from the receipt of a survivor's annuity, if the remarriage occurs before the effective date of this amendatory Act of the 91st General Assembly.

[Apr. 12, 2000]

The changes made to this subsection by this amendatory Act of the 91st General Assembly (pertaining to remarriage prior to age 55) apply without regard to whether the deceased participant or annuitant was in service on or after the effective date of this amendatory Act. (Source: P.A. 89-136, eff. 7-14-95; 90-766, eff. 8-14-98.)

(40 ILCS 5/2-121.1) (from Ch. 108 1/2, par. 2-121.1)

Sec. 2-121.1. Survivor's annuity - amount.

(a) A surviving spouse shall be entitled to 66 2/3% of the amount of retirement annuity to which the participant or annuitant was entitled on the date of death, without regard to whether the participant had attained age 55 prior to his or her death, subject to a minimum payment of 10% of salary. If a surviving spouse, regardless of age, has in his or her care at the date of death any eligible child or children of the participant, the survivor's annuity shall be the greater of the following: (1) 66 2/3% of the amount of retirement annuity to which the participant or annuitant was entitled on the date of death, or (2) 30% of the participant's salary increased by 10% of salary on account of each such child, subject to a total payment for the surviving spouse and children of 50% of salary. If eligible children survive but there is no surviving spouse, or if the surviving spouse ~~remarries or~~ disqualified by remarriage while eligible children survive, each eligible child shall be entitled to an annuity of 20% of salary, subject to a maximum total payment for all such children of 50% of salary.

However, the survivor's annuity payable under this Section shall not be less than 100% of the amount of retirement annuity to which

the participant or annuitant was entitled on the date of death, if he or she is survived by a dependent disabled child.

The salary to be used for determining these benefits shall be the salary used for determining the amount of retirement annuity as provided in Section 2-119.01.

(b) Upon the death of a participant after the termination of service or upon death of an annuitant, the maximum total payment to a surviving spouse and eligible children, or to eligible children alone if there is no surviving spouse, shall be 75% of the retirement annuity to which the participant or annuitant was entitled, unless there is a dependent disabled child among the survivors.

(c) When a child ceases to be an eligible child, the annuity to that child, or to the surviving spouse on account of that child, shall thereupon cease, and the annuity payable to the surviving spouse or other eligible children shall be recalculated if necessary.

Upon the ineligibility of the last eligible child, the annuity shall immediately revert to the amount payable upon death of a participant or annuitant who leaves no eligible children. If the surviving spouse is then under age 50, the annuity as revised shall be deferred until the attainment of age 50.

(d) Beginning January 1, 1990, every survivor's annuity shall be increased (1) on each January 1 occurring on or after the commencement of the annuity if the deceased member died while receiving a retirement annuity, or (2) in other cases, on each January 1 occurring on or after the first anniversary of the commencement of the annuity, by an amount equal to 3% of the current amount of the annuity, including any previous increases under this Article. Such increases shall apply without regard to whether the deceased member was in service on or after the effective date of this amendatory Act of 1991, but shall not accrue for any period prior to January 1, 1990.

(e) Notwithstanding any other provision of this Article, beginning January 1, 1990, the minimum survivor's annuity payable to

[Apr. 12, 2000]

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any person who is entitled to receive a survivor's annuity under this Article shall be \$300 per month, without regard to whether or not the deceased participant was in service on the effective date of this amendatory Act of 1989.

(f) In the case of a proportional survivor's annuity arising under the Retirement Systems Reciprocal Act where the amount payable by the System on January 1, 1993 is less than \$300 per month, the amount payable by the System shall be increased beginning on that date by a monthly amount equal to \$2 for each full year that has expired since the annuity began.

(Source: P.A. 86-273; 86-1488; 87-794; 87-1265.)

(40 ILCS 5/3-110) (from Ch. 108 1/2, par. 3-110)

Sec. 3-110. Creditable service.

(a) "Creditable service" is the time served by a police officer as a member of a regularly constituted police force of a municipality. In computing creditable service furloughs without pay exceeding 30 days shall not be counted, but all leaves of absence for illness or accident, regardless of length, and all periods of

disability retirement for which a police officer has received no disability pension payments under this Article shall be counted.

(b) Creditable service includes all periods of service in the military, naval or air forces of the United States entered upon while an active police officer of a municipality, provided that upon applying for a permanent pension, and in accordance with the rules of the board, the police officer pays into the fund the amount the officer would have contributed if he or she had been a regular contributor during such period, to the extent that the municipality which the police officer served has not made such contributions in the officer's behalf. The total amount of such creditable service shall not exceed 5 years, except that any police officer who on July 1, 1973 had more than 5 years of such creditable service shall receive the total amount thereof.

(c) Creditable service also includes service rendered by a police officer while on leave of absence from a police department to serve as an executive of an organization whose membership consists of members of a police department, subject to the following conditions: (i) the police officer is a participant of a fund established under this Article with at least 10 years of service as a police officer; (ii) the police officer received no credit for such service under any other retirement system, pension fund, or annuity and benefit fund included in this Code; (iii) pursuant to the rules of the board the police officer pays to the fund the amount he or she would have contributed had the officer been an active member of the police department; and (iv) the organization pays a contribution equal to the municipality's normal cost for that period of service.

(d)(1) Creditable service also includes periods of service originally established in another police pension fund under this Article or in the Fund established under Article 7 of this Code for which (i) the contributions have been transferred under Section 3-110.7 or Section 7-139.9 and (ii) any additional contribution required under paragraph (2) of this subsection has been paid in full in accordance with the requirements of this subsection (d).

(2) If the board of the pension fund to which creditable service and related contributions are transferred under Section 3-110.7 or 7-139.9 determines that the amount transferred is less than the true cost to the pension fund of allowing that creditable service to be established, then in order to establish that creditable service the police officer must pay to the pension fund, within the payment period specified in paragraph (3) of this subsection, an additional contribution equal to the difference, as determined by the board in

[Apr. 12, 2000]

accordance with the rules and procedures adopted under paragraph (6) of this subsection.

(3) Except as provided in paragraph (4), the additional contribution must be paid to the board (i) within 5 years from the date of the transfer of contributions under Section 3-110.7 or 7-139.9 and (ii) before the police officer terminates service with the fund. The additional contribution may be paid in a lump sum or in accordance with a schedule of installment payments authorized by the board.

(4) If the police officer dies in service before payment in full has been made and before the expiration of the 5-year payment period, the surviving spouse of the officer may elect to pay the unpaid amount on the officer's behalf within 6 months after the date of death, in which case the creditable service shall be granted as though the deceased police officer had paid the remaining balance on the day before the date of death.

(5) If the additional contribution is not paid in full within the required time, the creditable service shall not be granted and the police officer (or the officer's surviving spouse or estate) shall be entitled to receive a refund of (i) any partial payment of the additional contribution that has been made by the police officer and (ii) those portions of the amounts transferred under subdivision (a)(1) of Section 3-110.7 or subdivisions (a)(1) and (a)(3) of Section 7-139.9 that represent employee contributions paid by the police officer (but not the accumulated interest on those contributions) and interest paid by the police officer to the prior pension fund in order to reinstate service terminated by acceptance of a refund.

At the time of paying a refund under this item (5), the pension fund shall also repay to the pension fund from which the contributions were transferred under Section 3-110.7 or 7-139.9 the amount originally transferred under subdivision (a)(2) of that Section, plus interest at the rate of 6% per year, compounded annually, from the date of the original transfer to the date of repayment. Amounts repaid to the Article 7 fund under this provision shall be credited to the appropriate municipality.

Transferred credit that is not granted due to failure to pay the additional contribution within the required time is lost; it may not be transferred to another pension fund and may not be reinstated in the pension fund from which it was transferred.

(6) The Public Employee Pension Fund Division of the Department of Insurance shall establish by rule the manner of making the calculation required under paragraph (2) of this subsection, taking into account the appropriate actuarial assumptions; the police officer's service, age, and salary history; the level of funding of the pension fund to which the credits are being transferred; and any other factors that the Division determines to be relevant. The rules may require that all calculations made under paragraph (2) be reported to the Division by the board performing the calculation, together with documentation of the creditable service to be transferred, the amounts of contributions and interest to be transferred, the manner in which the calculation was performed, the numbers relied upon in making the calculation, the results of the calculation, and any other information the Division may deem useful. (Source: P.A. 89-52, eff. 6-30-95; 90-460, eff. 8-17-97.)

(40 ILCS 5/7-139) (from Ch. 108 1/2, par. 7-139)

Sec. 7-139. Credits and creditable service to employees.

(a) Each participating employee shall be granted credits and creditable service, for purposes of determining the amount of any annuity or benefit to which he or a beneficiary is entitled, as

[Apr. 12, 2000]

follows:

1. For prior service: Each participating employee who is an employee of a participating municipality or participating instrumentality on the effective date shall be granted creditable service, but no credits under paragraph 2 of this subsection (a), for periods of prior service for which credit has not been received under any other pension fund or retirement system established under this Code, as follows:

If the effective date of participation for the participating municipality or participating instrumentality is on or before January 1, 1998, creditable service shall be granted for the entire period of prior service with that employer without any employee contribution.

If the effective date of participation for the participating municipality or participating instrumentality is after January 1, 1998, creditable service shall be granted for the last 20% of the period of prior service with that employer, but no more than 5 years, without any employee contribution. A participating employee may establish creditable service for the remainder of the period of prior service with that employer by making an application in writing, accompanied by payment of an employee contribution in an amount determined by the Fund, based on the employee contribution rates in effect at the time of application for the creditable service and the employee's salary rate on the effective date of participation for that employer, plus interest at the effective rate from the date of the prior service to the date of payment. Application for this creditable service may be made at any time while the employee is still in service.

Any person who has withdrawn from the service of a participating municipality or participating instrumentality prior to the effective date, who reenters the service of the same municipality or participating instrumentality after the effective date and becomes a participating employee is entitled to creditable service for prior service as otherwise provided in this subdivision (a)(1) only if he or she renders 2 years of service as a participating employee after the effective date. Application for such service must be made while in a participating status. The salary rate to be used in the calculation of the required employee contribution, if any, shall be the employee's salary rate at the time of first reentering service with the employer after the employer's effective date of participation.

2. For current service, each participating employee shall be credited with:

a. Additional credits of amounts equal to each payment of additional contributions received from him under Section 7-173, as of the date the corresponding payment of earnings is payable to him.

b. Normal credits of amounts equal to each payment of normal contributions received from him, as of the date the corresponding payment of earnings is payable to him, and normal contributions made for the purpose of establishing out-of-state service credits as permitted under the conditions set forth in paragraph 6 of this subsection (a).

c. Municipality credits in an amount equal to 1.4 times the normal credits, except those established by out-of-state service credits, as of the date of computation

of any benefit if these credits would increase the benefit.

d. Survivor credits equal to each payment of survivor contributions received from the participating employee as of

[Apr. 12, 2000]

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106

the date the corresponding payment of earnings is payable, and survivor contributions made for the purpose of establishing out-of-state service credits.

3. For periods of temporary and total and permanent disability benefits, each employee receiving disability benefits shall be granted creditable service for the period during which disability benefits are payable. Normal and survivor credits, based upon the rate of earnings applied for disability benefits, shall also be granted if such credits would result in a higher benefit to any such employee or his beneficiary.

4. For authorized leave of absence without pay: A participating employee shall be granted credits and creditable service for periods of authorized leave of absence without pay under the following conditions:

a. An application for credits and creditable service is submitted to the board while the employee is in a status of active employment, and within 2 years after termination of the leave of absence period for which credits and creditable service are sought.

b. Not more than 12 complete months of creditable service for authorized leave of absence without pay shall be counted for purposes of determining any benefits payable under this Article.

c. Credits and creditable service shall be granted for leave of absence only if such leave is approved by the governing body of the municipality, including approval of the estimated cost thereof to the municipality as determined by the fund, and employee contributions, plus interest at the effective rate applicable for each year from the end of the period of leave to date of payment, have been paid to the fund in accordance with Section 7-173. The contributions shall be computed upon the assumption earnings continued during the period of leave at the rate in effect when the leave began.

d. Benefits under the provisions of Sections 7-141, 7-146, 7-150 and 7-163 shall become payable to employees on authorized leave of absence, or their designated beneficiary, only if such leave of absence is creditable hereunder, and if the employee has at least one year of creditable service other than the service granted for leave of absence. Any employee contributions due may be deducted from any benefits payable.

e. No credits or creditable service shall be allowed for leave of absence without pay during any period of prior service.

5. For military service: The governing body of a municipality or participating instrumentality may elect to allow creditable service to participating employees who leave their

employment to serve in the armed forces of the United States for all periods of such service, provided that the person returns to active employment within 90 days after completion of full time active duty, but no creditable service shall be allowed such person for any period that can be used in the computation of a pension or any other pay or benefit, other than pay for active duty, for service in any branch of the armed forces of the United States. If necessary to the computation of any benefit, the board shall establish municipality credits for participating employees under this paragraph on the assumption that the employee received earnings at the rate received at the time he left the employment to enter the armed forces. A participating

[Apr. 12, 2000]

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107

employee in the armed forces shall not be considered an employee during such period of service and no additional death and no disability benefits are payable for death or disability during such period.

Any participating employee who left his employment with a municipality or participating instrumentality to serve in the armed forces of the United States and who again became a participating employee within 90 days after completion of full time active duty by entering the service of a different municipality or participating instrumentality, which has elected to allow creditable service for periods of military service under the preceding paragraph, shall also be allowed creditable service for his period of military service on the same terms that would apply if he had been employed, before entering military service, by the municipality or instrumentality which employed him after he left the military service and the employer costs arising in relation to such grant of creditable service shall be charged to and paid by that municipality or instrumentality.

Notwithstanding the foregoing, any participating employee shall be entitled to creditable service as required by any federal law relating to re-employment rights of persons who served in the United States Armed Services. Such creditable service shall be granted upon payment by the member of an amount equal to the employee contributions which would have been required had the employee continued in service at the same rate of earnings during the military leave period, plus interest at the effective rate.

5.1. In addition to any creditable service established under paragraph 5 of this subsection (a), creditable service may be granted for up to 24 months of service in the armed forces of the United States.

In order to receive creditable service for military service under this paragraph 5.1, a participating employee must (1) apply to the Fund in writing and provide evidence of the military service that is satisfactory to the Board; (2) obtain the written approval of the current employer; and (3) make contributions to the Fund equal to (i) the employee contributions that would have been required had the service been rendered as a member, plus (ii) an amount determined by the board to be equal to the

employer's normal cost of the benefits accrued for that military service, plus (iii) interest on items (i) and (ii) from the date of first membership in the Fund to the date of payment. If payment is made during the 6-month period that begins 3 months after the effective date of this amendatory Act of 1997, the required interest shall be at the rate of 2.5% per year, compounded annually; otherwise, the required interest shall be calculated at the regular interest rate.

6. For out-of-state service: Creditable service shall be granted for service rendered to an out-of-state local governmental body under the following conditions: The employee had participated and has irrevocably forfeited all rights to benefits in the out-of-state public employees pension system; the governing body of his participating municipality or instrumentality authorizes the employee to establish such service; the employee has 2 years current service with this municipality or participating instrumentality; the employee makes a payment of contributions, which shall be computed at 8% (normal) plus 2% (survivor) times length of service purchased times the average rate of earnings for the first 2 years of service with the municipality or participating instrumentality

[Apr. 12, 2000]

whose governing body authorizes the service established plus interest at the effective rate on the date such credits are established, payable from the date the employee completes the required 2 years of current service to date of payment. In no case shall more than 120 months of creditable service be granted under this provision.

7. For retroactive service: Any employee who could have but did not elect to become a participating employee, or who should have been a participant in the Municipal Public Utilities Annuity and Benefit Fund before that fund was superseded, may receive creditable service for the period of service not to exceed 50 months; however, a current or former county board member may establish credit under this paragraph 7 for more than 50 months of service as a member of the county board if the excess over 50 months is approved by resolution of the affected county board filed with the Fund before January 1, 1999.

Any employee who is a participating employee on or after September 24, 1981 and who was excluded from participation by the age restrictions removed by Public Act 82-596 may receive creditable service for the period, on or after January 1, 1979, excluded by the age restriction and, in addition, if the governing body of the participating municipality or participating instrumentality elects to allow creditable service for all employees excluded by the age restriction prior to January 1, 1979, for service during the period prior to that date excluded by the age restriction. Any employee who was excluded from participation by the age restriction removed by Public Act 82-596 and who is not a participating employee on or after September 24, 1981 may receive creditable service for service after January 1, 1979. Creditable service under this paragraph shall be granted

upon payment of the employee contributions which would have been required had he participated, with interest at the effective rate for each year from the end of the period of service established to date of payment.

8. For accumulated unused sick leave: A participating employee who is applying for a retirement annuity shall be entitled to creditable service for that portion of the employee's accumulated unused sick leave for which payment is not received, as follows:

a. Sick leave days shall be limited to those accumulated under a sick leave plan established by a participating municipality or participating instrumentality which is available to all employees or a class of employees.

b. Only sick leave days accumulated with a participating municipality or participating instrumentality with which the employee was in service within 60 days of the effective date of his retirement annuity shall be credited; If the employee was in service with more than one employer during this period only the sick leave days with the employer with which the employee has the greatest number of unpaid sick leave days shall be considered.

c. The creditable service granted shall be considered solely for the purpose of computing the amount of the retirement annuity and shall not be used to establish any minimum service period required by any provision of the Illinois Pension Code, the effective date of the retirement annuity, or the final rate of earnings.

d. The creditable service shall be at the rate of 1/20 of a month for each full sick day, provided that no more than 12 months may be credited under this subdivision 8.

[Apr. 12, 2000]

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e. Employee contributions shall not be required for creditable service under this subdivision 8.

f. Each participating municipality and participating instrumentality with which an employee has service within 60 days of the effective date of his retirement annuity shall certify to the board the number of accumulated unpaid sick leave days credited to the employee at the time of termination of service.

9. For service transferred from another system: Credits and creditable service shall be granted for service under Article 3, 4, 5, 14 or 16 of this Act, to any active member of this Fund, and to any inactive member who has been a county sheriff, upon transfer of such credits pursuant to Section 3-110.3, 4-108.3, 5-235, 14-105.6 or 16-131.4, and payment by the member of the amount by which (1) the employer and employee contributions that would have been required if he had participated in this Fund as a sheriff's law enforcement employee during the period for which credit is being transferred, plus interest thereon at the effective rate for each year, compounded annually, from the date of termination of the service for which credit is being transferred to the date of payment, exceeds (2) the amount

actually transferred to the Fund. Such transferred service shall be deemed to be service as a sheriff's law enforcement employee for the purposes of Section 7-142.1.

(b) Creditable service - amount:

1. One month of creditable service shall be allowed for each month for which a participating employee made contributions as required under Section 7-173, or for which creditable service is otherwise granted hereunder. Not more than 1 month of service shall be credited and counted for 1 calendar month, and not more than 1 year of service shall be credited and counted for any calendar year. A calendar month means a nominal month beginning on the first day thereof, and a calendar year means a year beginning January 1 and ending December 31.

2. A seasonal employee shall be given 12 months of creditable service if he renders the number of months of service normally required by the position in a 12-month period and he remains in service for the entire 12-month period. Otherwise a fractional year of service in the number of months of service rendered shall be credited.

3. An intermittent employee shall be given creditable service for only those months in which a contribution is made under Section 7-173.

(c) No application for correction of credits or creditable service shall be considered unless the board receives an application for correction while (1) the applicant is a participating employee and in active employment with a participating municipality or instrumentality, or (2) while the applicant is actively participating in a pension fund or retirement system which is a participating system under the Retirement Systems Reciprocal Act. A participating employee or other applicant shall not be entitled to credits or creditable service unless the required employee contributions are made in a lump sum or in installments made in accordance with board rule.

(d) Upon the granting of a retirement, surviving spouse or child annuity, a death benefit or a separation benefit, on account of any employee, all individual accumulated credits shall thereupon terminate. Upon the withdrawal of additional contributions, the credits applicable thereto shall thereupon terminate. Terminated credits shall not be applied to increase the benefits any remaining

[Apr. 12, 2000]

employee would otherwise receive under this Article.

(Source: P.A. 90-448, eff. 8-16-97.)

(40 ILCS 5/7-141) (from Ch. 108 1/2, par. 7-141)

Sec. 7-141. Retirement annuities - Conditions. Retirement annuities shall be payable as hereinafter set forth:

(a) A participating employee who, regardless of cause, is separated from the service of all participating municipalities and instrumentalities thereof and participating instrumentalities shall be entitled to a retirement annuity provided:

1. He is at least age 55, or in the case of a person who is eligible to have his annuity calculated under Section 7-142.1, he is at least age 50;

2. He is (i) an employee who was employed by any participating municipality or participating instrumentality which had not elected to exclude persons employed in positions normally requiring performance of duty for less than 1000 hours per year or was employed in a position normally requiring performance of duty for 600 hours or more per year prior to such election by any participating municipality or participating instrumentality included in and subject to this Article on or before the effective date of this amendatory Act of 1981 which made such election and is not entitled to receive earnings for employment in a position normally requiring performance of duty for 600 hours or more per year for any participating municipality and instrumentalities thereof and participating instrumentality; or (ii) an employee who was employed only by a participating municipality or participating instrumentality, or participating municipalities or participating instrumentalities, which have elected to exclude persons in positions normally requiring performance of duty for less than 1000 hours per year after the effective date of such exclusion or which are included under and subject to the Article after the effective date of this amendatory Act of 1981 and elects to exclude persons in such positions, and is not entitled to receive earnings for employment in a position normally requiring performance of duty for 1000 hours or more per year by such a participating municipality or participating instrumentality;

3. The amount of his annuity, before the application of paragraph (b) of Section 7-142 is at least \$10 per month;

4. If he first became a participating employee after December 31, 1961, he has at least 8 years of service. This service requirement shall not apply to any participating employee, regardless of participation date, if the General Assembly terminates the Fund.

(b) Retirement annuities shall be payable:

1. As provided in Section 7-119;

2. Except as provided in item 3, upon receipt by the fund of a written application ~~by the board~~. The effective date may be not more than one year prior to the date of the receipt by the fund of the application;

3. Upon attainment of age 70 1/2 if ~~(i) the member (i) has not submitted an application for the annuity, (ii) the member has at least 8 years of service credit and is no longer in service, and (ii) is otherwise entitled to an annuity under this Article (iii) the pension amount is at least \$30 per month, and (iv) the Fund is able to locate the member;~~

4. To the beneficiary of the deceased annuitant for the unpaid amount accrued to date of death, if any.

(Source: P.A. 87-740.)

(40 ILCS 5/7-141.1)

Sec. 7-141.1. Early retirement incentive.

(a) The General Assembly finds and declares that:

[Apr. 12, 2000]

(1) Units of local government across the State have been functioning under a financial crisis.

(2) This financial crisis is expected to continue.

(3) Units of local government must depend on additional sources of revenue and, when those sources are not forthcoming, must establish cost-saving programs.

(4) An early retirement incentive designed specifically to target highly-paid senior employees could result in significant annual cost savings.

(5) The early retirement incentive should be made available only to those units of local government that determine that an early retirement incentive is in their best interest.

(6) A unit of local government adopting a program of early retirement incentives under this Section is encouraged to implement personnel procedures to prohibit, for at least 5 years, the rehiring (whether on payroll or by independent contract) of employees who receive early retirement incentives.

(7) A unit of local government adopting a program of early retirement incentives under this Section is also encouraged to replace as few of the participating employees as possible and to hire replacement employees for salaries totaling no more than 80% of the total salaries formerly paid to the employees who participate in the early retirement program.

It is the primary purpose of this Section to encourage units of local government that can realize true cost savings, or have determined that an early retirement program is in their best interest, to implement an early retirement program.

(b) Until the effective date of this amendatory Act of 1997, this Section does not apply to any employer that is a city, village, or incorporated town, nor to the employees of any such employer. Beginning on the effective date of this amendatory Act of 1997, any employer under this Article, including an employer that is a city, village, or incorporated town, may establish an early retirement incentive program for its employees under this Section. The decision of a city, village, or incorporated town to consider or establish an early retirement program is at the sole discretion of that city, village, or incorporated town, and nothing in this amendatory Act of 1997 limits or otherwise diminishes this discretion. Nothing contained in this Section shall be construed to require a city, village, or incorporated town to establish an early retirement program and no city, village, or incorporated town may be compelled to implement such a program.

The benefits provided in this Section are available only to members employed by a participating employer that has filed with the Board of the Fund a resolution or ordinance expressly providing for the creation of an early retirement incentive program under this Section for its employees and specifying the effective date of the early retirement incentive program. Subject to the limitation in subsection (h), an employer may adopt a resolution or ordinance providing a program of early retirement incentives under this Section at any time.

The resolution or ordinance shall be in substantially the following form:

RESOLUTION (ORDINANCE) NO. ....

A RESOLUTION (ORDINANCE) ADOPTING AN EARLY  
RETIREMENT INCENTIVE PROGRAM FOR EMPLOYEES  
IN THE ILLINOIS MUNICIPAL RETIREMENT FUND

WHEREAS, Section 7-141.1 of the Illinois Pension Code provides that a participating employer may elect to adopt an early retirement incentive program offered by the Illinois Municipal Retirement Fund

by adopting a resolution or ordinance; and

WHEREAS, The goal of adopting an early retirement program is to realize a substantial savings in personnel costs by offering early retirement incentives to employees who have accumulated many years of service credit; and

WHEREAS, Implementation of the early retirement program will provide a budgeting tool to aid in controlling payroll costs; and

WHEREAS, The (name of governing body) has determined that the adoption of an early retirement incentive program is in the best interests of the (name of participating employer); therefore be it

RESOLVED (ORDAINED) by the (name of governing body) of (name of participating employer) that:

(1) The (name of participating employer) does hereby adopt the Illinois Municipal Retirement Fund early retirement incentive program as provided in Section 7-141.1 of the Illinois Pension Code. The early retirement incentive program shall take effect on (date).

(2) In order to help achieve a true cost savings, a person who retires under the early retirement incentive program shall lose those incentives if he or she later accepts employment with any IMRF employer in a position for which participation in IMRF is required or is elected by the employee.

(3) In order to utilize an early retirement incentive as a budgeting tool, the (name of participating employer) will use its best efforts either to limit the number of employees who replace the employees who retire under the early retirement program or to limit the salaries paid to the employees who replace the employees who retire under the early retirement program.

(4) The effective date of each employee's retirement under this early retirement program shall be set by (name of employer) and shall be no earlier than the effective date of the program and no later than one year after that effective date; except that the employee may require that the retirement date set by the employer be no later than the June 30 next occurring after the effective date of the program and no earlier than the date upon which the employee qualifies for retirement.

(5) To be eligible for the early retirement incentive under this Section, the employee must have attained age 50 and have at least 20 years of creditable service by his or her retirement date.

(6) The (clerk or secretary) shall promptly file a certified copy of this resolution (ordinance) with the Board of Trustees of the Illinois Municipal Retirement Fund.

CERTIFICATION

I, (name), the (clerk or secretary) of the (name of participating employer) of the County of (name), State of Illinois, do hereby certify that I am the keeper of the books and records of the (name of employer) and that the foregoing is a true and correct copy of a resolution (ordinance) duly adopted by the (governing body) at a meeting duly convened and held on (date).

SEAL

(Signature of clerk or secretary)

(c) To be eligible for the benefits provided under an early

retirement incentive program adopted under this Section, a member must:

(1) be a participating employee of this Fund who, on the effective date of the program, (i) is in active payroll status as an employee of a participating employer that has filed the required ordinance or resolution with the Board, (ii) is on layoff status from such a position with a right of re-employment or recall to service, (iii) is on a leave of absence from such a position, or (iv) is on disability but has not been receiving

[Apr. 12, 2000]

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113

benefits under Section 7-146 or 7-150 for a period of more than 2 years from the date of application;

(2) have never previously received a retirement annuity under this Article or under the Retirement Systems Reciprocal Act using service credit established under this Article;

(3) ~~(blank); file with the Board within 60 days of the effective date of the program an application requesting the benefits provided in this Section;~~

(4) have at least 20 years of creditable service in the Fund by the date of retirement, without the use of any creditable service established under this Section;

(5) have attained age 50 by the date of retirement, without the use of any age enhancement received under this Section; and

(6) be eligible to receive a retirement annuity under this Article by the date of retirement, for which purpose the age enhancement and creditable service established under this Section may be considered.

(d) The employer shall determine the retirement date for each employee participating in the early retirement program adopted under this Section. The retirement date shall be no earlier than the effective date of the program and no later than one year after that effective date, except that the employee may require that the retirement date set by the employer be no later than the June 30 next occurring after the effective date of the program and no earlier than the date upon which the employee qualifies for retirement. The employer shall give each employee participating in the early retirement program at least 30 days written notice of the employee's designated retirement date, unless the employee waives this notice requirement.

(e) An eligible person may establish up to 5 years of creditable service under this Section. In addition, for each period of creditable service established under this Section, a person shall have his or her age at retirement deemed enhanced by an equivalent period.

The creditable service established under this Section may be used for all purposes under this Article and the Retirement Systems Reciprocal Act, except for the computation of final rate of earnings and the determination of earnings, salary, or compensation under this or any other Article of the Code.

The age enhancement established under this Section may be used for all purposes under this Article (including calculation of the reduction imposed under subdivision (a)1b(iv) of Section 7-142),

except for purposes of a reversionary annuity under Section 7-145 and any distributions required because of age. The age enhancement established under this Section may be used in calculating a proportionate annuity payable by this Fund under the Retirement Systems Reciprocal Act, but shall not be used in determining benefits payable under other Articles of this Code under the Retirement Systems Reciprocal Act.

(f) For all creditable service established under this Section, the member must pay to the Fund an employee contribution consisting of 4.5% of the member's highest annual salary rate used in the determination of the final rate of earnings for retirement annuity purposes for each year of creditable service granted under this Section. For creditable service established under this Section by a person who is a sheriff's law enforcement employee to be deemed service as a sheriff's law enforcement employee, the employee contribution shall be at the rate of 6.5% of highest annual salary per year of creditable service granted. Contributions for fractions of a year of service shall be prorated. Any amounts that are

[Apr. 12, 2000]

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114

disregarded in determining the final rate of earnings under subdivision (d)(5) of Section 7-116 (the 125% rule) shall also be disregarded in determining the required contribution under this subsection (f).

The employee contribution shall be paid to the Fund as follows: If the member is entitled to a lump sum payment for accumulated vacation, sick leave, or personal leave upon withdrawal from service, the employer shall deduct the employee contribution from that lump sum and pay the deducted amount directly to the Fund. If there is no such lump sum payment or the required employee contribution exceeds the net amount of the lump sum payment, then the remaining amount due, at the option of the employee, may either be paid to the Fund before the annuity commences or deducted from the retirement annuity in 24 equal monthly installments.

(g) An annuitant who has received any age enhancement or creditable service under this Section and thereafter accepts employment with or enters into a personal services contract with an employer under this Article thereby forfeits that age enhancement and creditable service. A person forfeiting early retirement incentives under this subsection (i) must repay to the Fund that portion of the retirement annuity already received which is attributable to the early retirement incentives that are being forfeited, (ii) shall not be eligible to participate in any future early retirement program adopted under this Section, and (iii) is entitled to a refund of the employee contribution paid under subsection (f). The Board shall deduct the required repayment from the refund and may impose a reasonable payment schedule for repaying the amount, if any, by which the required repayment exceeds the refund amount.

(h) The additional unfunded liability accruing as a result of the adoption of a program of early retirement incentives under this Section by an employer shall be amortized over a period of 10 years beginning on January 1 of the second calendar year following the calendar year in which the latest date for beginning to receive a

retirement annuity under the program (as determined by the employer under subsection (d) of this Section) occurs; except that the employer may provide for a shorter amortization period (of no less than 5 years) by adopting an ordinance or resolution specifying the length of the amortization period and submitting a certified copy of the ordinance or resolution to the Fund no later than 6 months after the effective date of the program. An employer, at its discretion, may accelerate payments to the Fund.

An employer may provide more than one early retirement incentive program for its employees under this Section. However, an employer that has provided an early retirement incentive program for its employees under this Section may not provide another early retirement incentive program under this Section until the liability arising from the earlier program has been fully paid to the Fund.

(Source: P.A. 89-329, eff. 8-17-95; 90-32, eff. 6-27-97.)

(40 ILCS 5/7-145.1)

Sec. 7-145.1. Alternative annuity for county officers.

(a) The benefits provided in this Section and Section 7-145.2 are available only if the county board has filed with the Board of the Fund a resolution or ordinance expressly consenting to the availability of these benefits for its elected county officers. The county board's consent is irrevocable with respect to persons participating in the program, but may be revoked at any time with respect to persons who have not paid an additional optional contribution under this Section before the date of revocation.

An elected county officer may elect to establish alternative credits for an alternative annuity by electing in writing to make

[Apr. 12, 2000]

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additional optional contributions in accordance with this Section and procedures established by the board. These alternative credits are available only for periods of service as an elected county officer. The elected county officer may discontinue making the additional optional contributions by notifying the Fund in writing in accordance with this Section and procedures established by the board.

Additional optional contributions for the alternative annuity shall be as follows:

(1) For service as an elected county officer after the option is elected, an additional contribution of 3% of salary shall be contributed to the Fund on the same basis and under the same conditions as contributions required under Section 7-173.

(2) For service as an elected county officer before the option is elected, an additional contribution of 3% of the salary for the applicable period of service, plus interest at the effective rate from the date of service to the date of payment, plus any additional amount required by the county board under paragraph (3). All payments for past service must be paid in full before credit is given.

(3) With respect to service as an elected county officer before the option is elected, if payment is made after the county board has filed with the Board of the Fund a resolution or ordinance requiring an additional contribution under this paragraph, then the contribution required under paragraph (2)

shall include an amount to be determined by the Fund, equal to the actuarial present value of the additional employer cost that would otherwise result from the alternative credits being established for that service. A county board's resolution or ordinance requiring additional contributions under this paragraph (3) is irrevocable.

No additional optional contributions may be made for any period of service for which credit has been previously forfeited by acceptance of a refund, unless the refund is repaid in full with interest at the effective rate from the date of refund to the date of repayment.

(b) In lieu of the retirement annuity otherwise payable under this Article, an elected county officer who (1) has elected to participate in the Fund and make additional optional contributions in accordance with this Section, (2) has held and made additional optional contributions with respect to the same elected county office for at least 8 years, and (3) has attained age 55 with at least 8 years of service credit (or has attained age 50 with at least 20 years of service as a sheriff's law enforcement employee) may elect to have his retirement annuity computed as follows: 3% of the participant's salary for each of the first 8 years of service credit, plus 4% of that salary for each of the next 4 years of service credit, plus 5% of that salary for each year of service credit in excess of 12 years, subject to a maximum of 80% of that salary.

This formula applies only to service in an elected county office that the officer held for at least 8 years, and only to service for which additional optional contributions have been paid under this Section. If an elected county officer qualifies to have this formula applied to service in more than one elected county office, the qualifying service shall be accumulated for purposes of determining the applicable accrual percentages, but the salary used for each office shall be the separate salary calculated for that office, as defined in subsection (g).

To the extent that the elected county officer has service credit that does not qualify for this formula, his retirement annuity will first be determined in accordance with this formula with respect to

[Apr. 12, 2000]

the service to which this formula applies, and then in accordance with the remaining Sections of this Article with respect to the service to which this formula does not apply.

(c) In lieu of the disability benefits otherwise payable under this Article, an elected county officer who (1) has elected to participate in the Fund, and (2) has become permanently disabled and as a consequence is unable to perform the duties of his office, and (3) was making optional contributions in accordance with this Section at the time the disability was incurred, may elect to receive a disability annuity calculated in accordance with the formula in subsection (b). For the purposes of this subsection, an elected county officer shall be considered permanently disabled only if: (i) disability occurs while in service as an elected county officer and is of such a nature as to prevent him from reasonably performing the duties of his office at the time; and (ii) the board has received a

written certification by at least 2 licensed physicians appointed by it stating that the officer is disabled and that the disability is likely to be permanent.

(d) Refunds of additional optional contributions shall be made on the same basis and under the same conditions as provided under Section 7-166, 7-167 and 7-168. Interest shall be credited at the effective rate on the same basis and under the same conditions as for other contributions.

If an elected county officer fails to hold that same elected county office for at least 8 years, he or she shall be entitled after leaving office to receive a refund of the additional optional contributions made with respect to that office, plus interest at the effective rate.

(e) The plan of optional alternative benefits and contributions shall be available to persons who are elected county officers and active contributors to the Fund on or after November 15, 1994. A person who was an elected county officer and an active contributor to the Fund on November 15, 1994 but is no longer an active contributor may apply to make additional optional contributions under this Section at any time within 90 days after the effective date of this amendatory Act of 1997; if the person is an annuitant, the resulting increase in annuity shall begin to accrue on the first day of the month following the month in which the required payment is received by the Fund.

(f) For the purposes of this Section and Section 7-145.2, the terms "elected county officer" and "elected county office" include, but are not limited to: (1) the county clerk, recorder, treasurer, coroner, assessor (if elected), auditor, sheriff, and State's Attorney; members of the county board; and the clerk of the circuit court; and (2) a person who has been appointed to fill a vacancy in an office that is normally filled by election on a countywide basis, for the duration of his or her service in that office. The terms "elected county officer" and "elected county office" do not include any officer or office of a county that has not consented to the availability of benefits under this Section and Section 7-145.2.

(g) For the purposes of this Section and Section 7-145.2, the term "salary" means the final rate of earnings for the elected county office held, calculated in a manner consistent with Section 7-116, but for that office only. If an elected county officer qualifies to have the formula in subsection (b) applied to service in more than one elected county office, a separate salary shall be calculated and applied with respect to each such office.

(h) The changes to this Section made by this amendatory Act of the 91st General Assembly apply to persons who first make an additional optional contribution under this Section on or after the

[Apr. 12, 2000]

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effective date of this amendatory Act.

(Source: P.A. 90-32, eff. 6-27-97; 91-685, eff. 1-26-00.)

(40 ILCS 5/7-157) (from Ch. 108 1/2, par. 7-157)

Sec. 7-157. Surviving spouse annuities - marriage to terminate. If a ~~any~~ surviving spouse annuitant marries, before reaching age 55, the annuity shall be terminated as of the end of the calendar month

following the month in which the marriage occurs, unless the marriage occurs after December 31, 2000.

(Source: P.A. 81-618.)

(40 ILCS 5/7-164) (from Ch. 108 1/2, par. 7-164)

Sec. 7-164. Death benefits - Amount. The amount of the death benefit shall be:

1. Upon the death of an employee with at least one year of service occurring while in an employment relationship (including employees drawing disability benefits) with a participating municipality or participating instrumentality, an amount equal to the sum of:

(a) The employee's normal, additional and survivor credits, including interest credited thereto through the end of the preceding calendar year, but excluding credits and interest thereon allowed for periods of disability.

(b) An amount equal to the employee's annual final rate of earnings. An employee who dies as a result of injuries connected with his duties shall be considered to have a year of service for purposes of this benefit.

2. Upon the death of an employee with less than 1 year of service occurring while in the service of any participating municipality or instrumentality, an amount equal to the sum of his accumulated normal, additional and survivor credits on the date of death, excluding those credits and interest thereon allowed during periods of disability.

3. Upon the death of an employee who has separated from service and was not entitled to a retirement annuity on the date of death, an amount equal to the sum of his accumulated normal, survivor and additional credits on the date of death excluding those credits and interest thereon allowed during periods of disability.

4. Upon the death of an employee in an employment relationship, or an employee who has service and was entitled to a retirement annuity on the date of death, when a surviving spouse or child annuity is awarded, \$3,000.

5. Upon the death of an employee, who has separated from service and was entitled to a retirement annuity on the date of death, and no surviving spouse or child annuity is awarded, \$3,000 plus an amount equal to his accumulated normal, survivor and additional credits on the date of death, excluding those credits and interest earned thereon allowed during periods of disability.

6. Upon the death of an employee annuitant, \$3,000 and, unless a surviving spouse, child or reversionary annuity is payable, the sum of (i) the excess of the normal and survivor credits, excluding those allowed during periods of disability, which the annuitant had as of the effective date of his annuity over the total annuities paid pursuant to paragraph (a) 1 of Section 7-142 to the date of death, plus (ii) the excess of the additional credits, excluding any such credits used to create a reversionary annuity, used to provide the annuity granted pursuant to paragraph (a) 2 of Section 7-142 over the total annuity payments made pursuant thereto to the time of death.

7. Upon the death of an annuitant receiving a reversionary annuity or of a person designated to receive a reversionary annuity prior to the receipt of such annuity the sum of the additional credits of the person creating the reversionary annuity as of the

[Apr. 12, 2000]

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effective date of his own retirement annuity over the reversionary annuity payments, if any, made prior to the date of death of such annuitant or person designated to receive the reversionary annuity.

8. Upon the death of an annuitant receiving a beneficiary annuity which was effective before January 1, 1986, the excess of the death benefit which was used to provide the annuity, over the sum of all annuity payments made to the beneficiary. Upon the death of an annuitant receiving a beneficiary annuity effective January 1, 1986 or thereafter, the sum of (i) the excess of the normal and survivor credits, excluding those allowed during periods of disability, which the annuitant had as of the effective date of his annuity over the total annuities paid pursuant to paragraph (c) of Section 7-165, to date of death, plus (ii) the excess of the additional credits, excluding any such credits used to create a reversionary annuity, used to provide the annuity granted pursuant to paragraph (d) of Section 7-165 over the total annuity payments made pursuant thereto to the time of death.

9. Upon the marriage prior to reaching age 55 (except for a surviving spouse who remarries after December 31, 2000) or death of a person receiving a surviving spouse annuity, unless a child annuity is payable, the sum of (i) the excess of the normal and survivor credits, excluding those credits and interest thereon allowed during periods of disability, attributable to the employee at the effective date of the annuity or date of death, whichever first occurred, over the total of all annuity payments attributable to paragraph (a) 1 of Section 7-142 made to the employee or surviving spouse plus (ii) the excess of the additional credits, excluding any such credits used to create a reversionary annuity or used to provide the annuity attributable to paragraph (a) 2 of Section 7-142 over the total of such payments.

10. Upon the marriage, death or attainment of age 18 of a child receiving a child annuity, if no other child annuities are payable, the sum of (i) the excess of the normal and survivor credits excluding those credits and interest thereon allowed during periods of disability, of the employee at the effective date of the annuity or date of death, whichever first occurred, over the total annuity payments attributable to paragraph (a) 1 of Section 7-142 made to the employee, surviving spouse and children plus (ii) the excess of the additional credits, excluding any such credits used to create a reversionary annuity, used to provide the annuity attributable to paragraph (a) 2 of Section 7-142 over the total annuity payments made to the employee, surviving spouse and children, pursuant thereto.

11. Upon the death of the participating employee whose annuity was suspended upon his return to employment:

a. If a surviving spouse or child annuity is awarded, \$3,000;

b. If no surviving spouse or child annuity is awarded and he had less than one year's service upon return, \$3,000 plus the excess of the normal, survivor and additional credits, including interest thereon, but excluding those allowed during a period of disability, at the effective date of the suspended annuity, plus those allowed after his return, over all annuity payments made to the employee;

c. If no surviving spouse or child annuity is awarded and

he has one year or more of service upon return, the higher of (a) the payment under subparagraph b of this paragraph or (b) the payment under paragraph 1 of this Section, taking into consideration only the service and credits allowed after his return, plus the excess of the normal, survivor and additional credits, including interest thereon, excluding those allowed

[Apr. 12, 2000]

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119

during periods of disability, at the effective date of his suspended annuity over all annuity payments made to the employee.

12. The \$3,000 death benefit provided in paragraphs 4 and 6 shall not be payable to beneficiaries of persons who terminated service prior to September 8, 1971, unless the payment or agreement for payment provided by Section 7-144.2 of this Article is made prior to the date of death.

13. The increase in certain death benefits from \$1,000 to \$3,000 provided by this amendatory Act of 1987 shall apply only to deaths occurring on or after January 1, 1988.

(Source: P.A. 85-941.)

(40 ILCS 5/7-166) (from Ch. 108 1/2, par. 7-166)

Sec. 7-166. Separation benefits - Eligibility. Separation benefits shall be payable as hereinafter set forth:

1. Upon separation from the service of all participating municipalities and instrumentalities thereof and participating instrumentalities, any participating employee ~~upon the termination of his participation as a participating employee~~ who, on the date of application for such benefit, is not entitled to a retirement annuity shall be entitled to a separation benefit;

2. Upon separation from the service of all participating municipalities and instrumentalities thereof and participating instrumentalities, any participating employee ~~upon the termination of his participation as a participating employee~~ who, on the date of application for such benefit, is entitled to a retirement annuity of less than \$30 per month for life may elect to take a separation benefit in lieu of the retirement annuity.

(Source: Laws 1963, p. 161.)

(40 ILCS 5/7-167) (from Ch. 108 1/2, par. 7-167)

Sec. 7-167. Separation benefits - Payment. Separation benefits shall be paid in the form of a single cash sum as soon as practicable after receipt by the board of:

1. a written application by the employee for such benefits;

and

2. written notice from the last employing participating municipality or instrumentality thereof or participating instrumentality, certifying that such participating employee has separated from service ~~terminated his participation~~.

(Source: Laws 1963, p. 161.)

(40 ILCS 5/7-184) (from Ch. 108 1/2, par. 7-184)

Sec. 7-184. To determine prior service.

To determine the length of prior service from such information as is available. Any such determination shall be conclusive as to any such period of service, ~~unless within 2 years of the issuance of the first individual statement to an employee~~, the board reconsiders the

case and changes the determination.

The change to this Section made by this amendatory Act of the 91st General Assembly applies without regard to whether the individual is in service on or after the effective date of this amendatory Act.

(Source: Laws 1963, p. 161.)

(40 ILCS 5/7-211) (from Ch. 108 1/2, par. 7-211)

Sec. 7-211. Authorizations.

(a) Each participating municipality and instrumentality thereof and each participating instrumentality shall:

1. Deduct all normal and additional contributions and contributions for federal Social Security taxes as required by the Social Security Enabling Act from each payment of earnings payable to each participating employee who is entitled to any earnings from such municipality or instrumentality thereof or

[Apr. 12, 2000]

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120

participating instrumentality, and ~~to~~ remit all such contributions immediately to the board; and

2. Pay to the board contributions required by this Article.

(b) Each participating employee shall, by virtue of the payment of contributions to this fund, receive a vested interest in the annuities and benefits provided in this Article and in consideration of such vested interest shall be deemed to have agreed and authorized the deduction from earnings of all contributions payable to this fund in accordance with this Article.

(c) Payment of earnings less the amounts of contributions provided in this Article and in the Social Security Enabling Act shall be a full and complete discharge of all claims for payment for services rendered by any employee during the period covered by any such payment.

(d) Any covered annuitant may authorize the withholding of all or a portion of his or her annuity, for the payment of premiums on group accident and health insurance provided pursuant to Section 7-199.1. The annuitant may revoke this authorization at any time.

(Source: P.A. 84-812.)

(40 ILCS 5/7-224 new)

Sec. 7-224. Section 415 limitations. Notwithstanding any other provisions of this Article, the combined benefits and contributions provided to any participating employee by all plans of any participating municipality and its instrumentalities and any participating instrumentality shall not exceed the limitations specified in Section 415(b), (c), and (e) of the Internal Revenue Code of 1986. If a participating employee's benefits or contributions under this Article, combined with those under any other plan of the participating municipality and its instrumentalities or participating instrumentality, would otherwise violate those limitations, the benefits and contributions under the other plan shall be reduced, rather than the benefits and contributions provided under this Article. To the extent that the other plan fails to limit such benefits and contributions, that plan shall be disqualified.

(40 ILCS 5/8-125) (from Ch. 108 1/2, par. 8-125)

Sec. 8-125. Annuity.

"Annuity": Equal monthly payments for life, unless otherwise specified.

For annuities taking effect before January 1, 1998, the first payment shall be due and payable one month after the occurrence of the event upon which payment of the annuity depends, and the last payment shall be due and payable as of the date of the annuitant's death and shall be prorated from the date of the last preceding payment to the date of death for deaths that occur on or before March 31, 2000. All payments made on or after April 1, 2000 shall be made on the first day of the calendar month and the last payment shall be made on the first day of the calendar month in which the annuity payment period ends. All payments for months beginning with April of 2000 shall be for the entire calendar month, without proration. A pro rata amount shall be paid for that part of the month from the March 2000 annuity payment date through March 31, 2000.

For annuities taking effect on or after January 1, 1998, payments shall be made as of the first day of the calendar month, with the first payment to be made as of the first day of the calendar month coincidental with or next following the first day of the annuity payment period, and the last payment to be made as of the first day of the calendar month in which the annuity payment period ends. For annuities taking effect on or after January 1, 1998, all payments shall be for the entire calendar month, without proration.

For the purposes of this Section, the "annuity payment period"

[Apr. 12, 2000]

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means the period beginning on the day after the occurrence of the event upon which payment of the annuity depends, and ending on the day upon which the death of the annuitant or other event terminating the annuity occurs.

(Source: P.A. 90-31, eff. 6-27-97.)

(40 ILCS 5/8-139) (from Ch. 108 1/2, par. 8-139)

Sec. 8-139. Reversionary annuity.

(a) An employee, prior to retirement on annuity, may elect to take a lesser amount of annuity and provide, with the actuarial value of the amount by which his annuity is reduced, a reversionary annuity for a wife, husband, parent, child, brother or sister. The option shall be exercised by filing a written designation with the board prior to retirement, and may be revoked by the employee at any time before retirement. The death of the employee prior to his retirement shall automatically void the option.

(b) The death of the designated reversionary annuitant prior to the employee's retirement shall automatically void the option. If the reversionary annuitant dies after the employee's retirement, and before the death of the employee annuitant, the reduced annuity being paid to the retired employee annuitant shall be increased to the amount of annuity before reduction for the reversionary annuity and no reversionary annuity shall be payable.

The option is subject to the further condition that no reversionary annuity shall be paid to a parent, child, brother, or sister if the employee dies before the expiration of 365 days from the date his written designation was filed with the board, even though he has retired and is receiving a reduced annuity.

(c) The employee exercising this option shall not reduce his retirement annuity by more than \$400 a month, or elect to provide a reversionary annuity of less than \$50 per month. No option shall be permitted if the reversionary annuity for a widow, when added to the widow's annuity payable under this Article, exceeds 100% of the reduced annuity payable to the employee.

(d) A reversionary annuity shall begin on the day following the death of the annuitant and shall be paid as provided in Section 8-125.

(e) The increases in annuity provided in Section 8-137 of this Article shall, as to an employee so electing a reduced annuity relate to the amount of the original annuity, and such amount shall constitute the annuity on which such automatic increases shall be based.

(f) For annuities elected after June 30, 1983, the amount of the monthly reversionary annuity shall be determined by multiplying the amount of the monthly reduction in the employee's annuity by the factor in the following table based on the age of the employee and the difference in the age of the employee and the age of the reversionary annuitant at the starting date of the employee's annuity:

Reversionary Annuitant's Age		Employee's Age						
		<u>50-51</u>	<u>52-54</u>	55-57	58-60	61-63	64-66	67-69
30 or more years younger	<u>3.03</u>	<u>2.56</u>	2.18	1.84	1.55	1.29	1.08	0.91
25-29 years younger	<u>3.16</u>	<u>2.68</u>	2.29	1.94	1.63	1.37	1.15	0.97

[Apr. 12, 2000]

20-24 years younger	<u>3.35</u>	<u>2.85</u>	2.44	2.07	1.75	1.48	1.25	1.06
15-19 years younger	<u>3.60</u>	<u>3.08</u>	2.65	2.26	1.92	1.63	1.39	1.19
10-14 years younger	<u>3.96</u>	<u>3.40</u>	2.94	2.53	2.16	1.85	1.59	1.37
5-9 years younger	<u>4.46</u>	<u>3.84</u>	3.35	2.90	2.51	2.16	1.88	1.64
0-4 years younger	<u>5.15</u>	<u>4.47</u>	3.93	3.44	3.00	2.61	2.29	2.02
1-5 years older	<u>6.12</u>	<u>5.36</u>	4.76	4.21	3.71	3.26	2.88	2.56

6-10 years older	<u>7.48</u>	<u>6.61</u>	5.93	5.30	4.71	4.16	3.70	3.29
11-15 years older	<u>9.37</u>	<u>8.35</u>	7.58	6.83	6.11	5.40	4.82	4.32
16-20 years older	<u>11.99</u>	<u>10.78</u>	9.84	8.93	8.02	7.13	6.43	5.87
21-25 years older	<u>15.59</u>	<u>14.06</u>	12.91	11.82	10.73	9.66	8.88	8.35
26-30 years older	<u>20.42</u>	<u>18.49</u>	17.15	15.96	14.80	13.65	12.97	12.82
31 or more years older	<u>27.07</u>	<u>24.72</u>	23.34	22.32	21.45	20.62	20.85	23.28

(Source: P.A. 90-31, eff. 6-27-97; 90-766, eff. 8-14-98.)

(40 ILCS 5/8-153) (from Ch. 108 1/2, par. 8-153)

Sec. 8-153. ~~Widow's remarriage marriage to terminate annuity.~~ A widow's annuity shall terminate when she remarries if the marriage takes place before the date 60 days after the effective date of this amendatory Act of the 91st General Assembly. If a widow remarries 60 or more days after the effective date of this amendatory Act of the 91st General Assembly, the widow's annuity shall continue without interruption.

When a widow dies, if she has not received, in the form of an annuity, an amount equal to the total credited from employee's contributions and applied for the widow's annuity, the difference between such annuity credits and the amount received by her shall be refunded to her, provided, that if a reversionary annuity is payable to her, or to any other person designated by the employee, such amount shall not be refunded but the reversionary annuity shall be payable. If there is any child of the employee who is under 18 years of age, the part of any such amount that is required to pay an annuity to the child shall be transferred to the child's annuity reserve. In making refunds under this Section, no interest shall be paid upon either the total of annuity payments made or the amounts subject to refund. Any refund shall be paid according to the provisions of Section 8-170.

[Apr. 12, 2000]

~~A subsequent change in marital status of the widow shall not effect any restoration of any rights under this Article except in the case of declaration of invalidity of a subsequent marriage wherein the declaration of invalidity is based upon charges of bigamy by the subsequent husband or the legal disability of the subsequent husband to enter into a marriage.~~

(Source: P.A. 83-706.)

(40 ILCS 5/8-171) (from Ch. 108 1/2, par. 8-171)

Sec. 8-171. Refund in lieu of annuity. In lieu of an annuity, an

employee who withdraws and whose annuity would amount to less than \$800 ~~\$300~~ a month for life, may elect to receive a refund of his accumulated contributions for annuity purposes, based on the amounts contributed by him.

The widow of any employee, eligible for annuity upon the death of her husband, whose widow's annuity would amount to less than \$800 ~~\$300~~ a month for life, may, in lieu of widow's annuity, elect to receive a refund of the accumulated contributions for annuity purposes, based on the amounts contributed by her deceased employee husband, but reduced by any amounts theretofore paid to him in the form of an annuity or refund out of such accumulated contributions.

Accumulated contributions shall mean the amounts - including the interest credited thereon - contributed by the employee for age and service and widow's annuity to the date of his withdrawal or death, whichever first occurs, including any amounts contributed for him as salary deductions while receiving duty disability benefits, and, if not otherwise included, any accumulations from sums contributed by him and applied to any pension fund superseded by this fund.

The acceptance of such refund in lieu of widow's annuity, on the part of a widow, shall not deprive a child or children of the right to receive a child's annuity as provided for in Sections 8-158 and 8-159 of this Article, and neither shall the payment of a child's annuity in the case of such refund to a widow reduce the amount herein set forth as refundable to such widow electing a refund in lieu of widow's annuity.

(Source: P.A. 86-1488.)

(40 ILCS 5/8-244) (from Ch. 108 1/2, par. 8-244)

Sec. 8-244. Annuities, etc., exempt.

(a) All annuities, refunds, pensions, and disability benefits granted under this Article, shall be exempt from attachment or garnishment process and shall not be seized, taken, subjected to, detained, or levied upon by virtue of any judgment, or any process or proceeding whatsoever issued out of or by any court in this State, for the payment and satisfaction in whole or in part of any debt, damage, claim, demand, or judgment against any annuitant, pensioner, participant, refund applicant, or other beneficiary hereunder.

(b) No annuitant, pensioner, refund applicant, or other beneficiary shall have any right to transfer or assign his annuity, refund, or disability benefit or any part thereof by way of mortgage or otherwise, except that:

(1) an annuitant or pensioner who elects or has elected to participate in a non-profit group hospital care plan or group medical surgical plan may with the approval of the board and in conformity with its regulations authorize the board to withhold from the pension or annuity the current premium for such coverage and pay such premium to the organization underwriting such plan;

(2) in the case of refunds, a participant may pledge by assignment, power of attorney, or otherwise, as security for a loan from a legally operating credit union making loans only to participants in certain public employee pension funds described in the Illinois Pension Code, all or part of any refund which may

[Apr. 12, 2000]

become payable to him in the event of his separation from service; and

(3) the board, in its discretion, may pay to the wife of any annuitant, pensioner, refund applicant, or disability beneficiary, such an amount out of her husband's annuity pension, refund, or disability benefit as any court of competent jurisdiction may order, or such an amount as the board may consider necessary for the support of his wife or children, or both in the event of his disappearance or unexplained absence or of his failure to support such wife or children.

(c) The board may retain out of any future annuity, pension, refund or disability benefit payments, such amount, or amounts, as it may require for the repayment of any moneys paid to any annuitant, pensioner, refund applicant, or disability beneficiary through misrepresentation, fraud or error. Any such action of the board shall relieve and release the board and the fund from any liability for any moneys so withheld.

(d) Whenever an annuity or disability benefit is payable to a minor or to a person certified by a medical doctor adjudged to be under legal disability, the board, in its discretion and when it is in ~~to~~ the best interest of the person concerned, may waive guardianship proceedings and pay the annuity or benefit to the person providing or caring for the minor or and to the wife, parent or blood relative providing or caring for the person under legal disability.

In the event that a person certified by a medical doctor to be under legal disability (i) has no spouse, blood relative, or other person providing or caring for him or her, (ii) has no guardian of his or her estate, and (iii) is confined to a Medicare approved, State certified nursing home or to a publicly owned and operated nursing home, hospital, or mental institution, the Board may pay any benefit due that person to the nursing home, hospital, or mental institution, to be used for the sole benefit of the person under legal disability.

Payment in accordance with this subsection to a person, nursing home, hospital, or mental institution for the benefit of a minor or person under legal disability shall be an absolute discharge of the Fund's liability with respect to the amount so paid. Any person, nursing home, hospital, or mental institution accepting payment under this subsection shall notify the Fund of the death or any other relevant change in the status of the minor or person under legal disability.

(Source: P.A. 86-1488.)

(40 ILCS 5/9-149) (from Ch. 108 1/2, par. 9-149)

Sec. 9-149. Widow's remarriage ~~marriage~~ to terminate annuity. A widow's annuity shall terminate when she remarries if the marriage takes place before the date 60 days after the effective date of this amendatory Act of the 91st General Assembly. If a widow remarries 60 or more days after the effective date of this amendatory Act of the 91st General Assembly, the widow's annuity shall continue without interruption.

When a widow dies, if she has not received, in the form of an annuity, an amount equal to the total sums accumulated and credited from the employee's contributions and applied for the widow's annuity, the difference between such accumulated annuity credits and the amount received by her in annuity payments shall be refunded to her; provided that if a reversionary annuity is payable to her or to any other person designated by the employee, ~~this such aforesaid~~

amount shall not be refunded, but the reversionary annuity shall be payable.

(Source: P.A. 81-1536.)

[Apr. 12, 2000]

---

125

(40 ILCS 5/9-194) (from Ch. 108 1/2, par. 9-194)

Sec. 9-194. To invest the reserves. To invest the reserves of the fund in accordance with Sections 1-109, 1-109.1, 1-109.2, 1-110, 1-111, 1-114, and 1-115 of this Act. Investments made in accordance with Section 1-113 shall be deemed to be prudent ~~the provisions set forth in Section 1-113 of this Act.~~

The retirement board may sell any security held by it at any time it deems it desirable.

The board may enter into agreements and execute documents that it determines to be necessary to complete any investment transaction.

All investments shall be clearly held and accounted for to indicate ownership by the board. The board may direct the registration of securities in its own name or in the name of a nominee created for the express purpose of registration of securities by a savings and loan association or national or State bank or trust company authorized to conduct a trust business in the State of Illinois.

Investments shall be carried at cost or at a value determined in accordance with generally accepted accounting principles.

(Source: P.A. 82-960.)

(40 ILCS 5/11-124) (from Ch. 108 1/2, par. 11-124)

Sec. 11-124. Annuity.

"Annuity": Equal monthly payments for life, unless terminated earlier under Section 11-148, 11-152, 11-153, or 11-230.

For annuities taking effect before January 1, 1998, the first payment shall be due and payable one month after the occurrence of the event upon which payment of the annuity depends. Until August 1, 1999, and payment shall be made for any part of a monthly period in which death of the annuitant occurs. Beginning August 1, 1999, all payments shall be made on the first day of the calendar month and shall be for the entire calendar month, without proration. The last payment shall be made on the first day of the calendar month in which the annuity payment period ends. A pro rata amount shall be paid for that part of the month from the July 1999 annuity payment date through July 31, 1999.

For annuities taking effect on or after January 1, 1998, payments shall be made as of the first day of the calendar month, with the first payment to be made as of the first day of the calendar month coincidental with or next following the first day of the annuity payment period, and the last payment to be made as of the first day of the calendar month in which the annuity payment period ends. For annuities taking effect on or after January 1, 1998, all payments shall be for the entire calendar month, without proration.

For the purposes of this Section, the "annuity payment period" means the period beginning on the day after the occurrence of the event upon which payment of the annuity depends, and ending on the day upon which the death of the annuitant or other event terminating the annuity occurs.



younger	<u>3.03</u>	<u>2.56</u>	2.18	1.84	1.55	1.29	1.08	0.91
25-29								
years								
younger	<u>3.16</u>	<u>2.68</u>	2.29	1.94	1.63	1.37	1.15	0.97
20-24								
years								
younger	<u>3.35</u>	<u>2.85</u>	2.44	2.07	1.75	1.48	1.25	1.06
15-19								
years								
younger	<u>3.60</u>	<u>3.08</u>	2.65	2.26	1.92	1.63	1.39	1.19
10-14								
years								
younger	<u>3.96</u>	<u>3.40</u>	2.94	2.53	2.16	1.85	1.59	1.37
5-9								
years								
younger	<u>4.46</u>	<u>3.84</u>	3.35	2.90	2.51	2.16	1.88	1.64
0-4								
years								
younger	<u>5.15</u>	<u>4.47</u>	3.93	3.44	3.00	2.61	2.29	2.02

[Apr. 12, 2000]

127

1-5								
years								
older	<u>6.12</u>	<u>5.36</u>	4.76	4.21	3.71	3.26	2.88	2.56
6-10								
years								
older	<u>7.48</u>	<u>6.61</u>	5.93	5.30	4.71	4.16	3.70	3.29
11-15								
years								
older	<u>9.37</u>	<u>8.35</u>	7.58	6.83	6.11	5.40	4.82	4.32
16-20								
years								
older	<u>11.99</u>	<u>10.78</u>	9.84	8.93	8.02	7.13	6.43	5.87
21-25								
years								
older	<u>15.59</u>	<u>14.06</u>	12.91	11.82	10.73	9.66	8.88	8.35
26-30								
years								
older	<u>20.42</u>	<u>18.49</u>	17.15	15.96	14.80	13.65	12.97	12.82
31 or								
more								
years								
older	<u>27.07</u>	<u>24.72</u>	23.34	22.32	21.45	20.62	20.85	23.28

(Source: P.A. 90-31, eff. 6-27-97; 90-766, eff. 8-14-98.)

(40 ILCS 5/11-148) (from Ch. 108 1/2, par. 11-148)

Sec. 11-148. ~~Widow's remarriage to terminate annuity.~~ A widow's annuity shall terminate when she remarries if the marriage takes place before the date 60 days after the effective date of this amendatory Act of the 91st General Assembly. If a widow remarries 60 or more days after the effective date of this amendatory Act of the 91st General Assembly, the widow's annuity shall continue without

interruption.

When a widow dies, if she has not received, in the form of an annuity, an amount equal to the total sum accumulated to his credit from employee's contributions and applied for the widow's annuity, the difference between such accumulated annuity credits and the amount received by her in annuity payments shall be refunded to her, provided, that if a reversionary annuity is payable if to her, or to any other person designated by the employee, such aforesaid amount shall not be refunded but the reversionary annuity shall be payable. If there is any child of the employee who is under 18 years of age, the part of any such amount that is required to pay an annuity to the child shall be transferred to the child's annuity reserve. In making refunds under this Section, no interest shall be paid upon either the total of annuity payments made or the amounts subject to refund. Any refund shall be paid according to the provisions of Section 11-166.

~~A subsequent change in marital status of the widow shall not affect any restoration of any rights under this Article except in the case of declaration of invalidity of a subsequent marriage wherein the declaration of invalidity is based upon charges of bigamy by the subsequent husband or the legal disability of the subsequent husband to enter into a marriage.~~

(Source: P.A. 83-706.)

(40 ILCS 5/11-167) (from Ch. 108 1/2, par. 11-167)

Sec. 11-167. Refunds in lieu of annuity. In lieu of an annuity, an employee who withdraws, and whose annuity would amount to less than \$800 ~~\$300~~ a month for life may elect to receive a refund of the total sum accumulated to his credit from employee contributions for annuity purposes.

The widow of any employee, eligible for annuity upon the death of her husband, whose annuity would amount to less than \$800 ~~\$300~~ a

[Apr. 12, 2000]

month for life, may, in lieu of a widow's annuity, elect to receive a refund of the accumulated contributions for annuity purposes, based on the amounts contributed by her deceased employee husband, but reduced by any amounts theretofore paid to him in the form of an annuity or refund out of such accumulated contributions.

Accumulated contributions shall mean the amounts including interest credited thereon contributed by the employee for age and service and widow's annuity to the date of his withdrawal or death, whichever first occurs, and including the accumulations from any amounts contributed for him as salary deductions while receiving duty disability benefits; provided that such amounts contributed by the city after December 31, 1983 while the employee is receiving duty disability benefits.

The acceptance of such refund in lieu of widow's annuity, on the part of a widow, shall not deprive a child or children of the right to receive a child's annuity as provided for in Sections 11-153 and 11-154 of this Article, and neither shall the payment of a child's annuity in the case of such refund to a widow reduce the amount herein set forth as refundable to such widow electing a refund in lieu of widow's annuity.

(Source: P.A. 90-655, eff. 7-30-98.)

(40 ILCS 5/11-181) (from Ch. 108 1/2, par. 11-181)

Sec. 11-181. Board created. A board of 8 members shall constitute the board of trustees authorized to carry out the provisions of this Article. The board shall be known as the Retirement Board of the Laborers' and Retirement Board Employees' Annuity and Benefit Fund of the city. The board shall consist of 5 persons appointed and 2 employees and one annuitant elected in the manner hereinafter prescribed.

The appointed members of the board shall be appointed as follows:

One member shall be appointed by the comptroller of the city, who may be himself or anyone chosen from among employees of the city who are versed in the affairs of the comptroller's office; one member shall be appointed by the City Treasurer of the city, who may be himself or a person chosen from among employees of the city who are versed in the affairs of the City Treasurer's office; one member shall be an employee of the city appointed by the president of the local labor organization representing a majority of the employees participating in the Fund; and 2 members shall be appointed by the civil service commission or the Department of Personnel of the city from among employees of the city who are versed in the affairs of the civil service commission's office or the Department of Personnel.

The member appointed by the comptroller shall hold office for a term ending on December 1st of the first year following the year of appointment. The member appointed by the City Treasurer shall hold office for a term ending on December 1st of the second year following the year of appointment. The member appointed by the civil service commission shall hold office for a term ending on the first day in the month of December of the third year following the year of appointment. The additional member appointed by the civil service commission under this amendatory Act of 1998 shall hold office for an initial term ending on December 1, 2000, and the member appointed by the labor organization president shall hold office for an initial term ending on December 1, 2001. Thereafter each appointive member shall be appointed by the officer or body that appointed his predecessor, for a term of 3 years.

The 2 employee members of the board shall be elected as follows:

Within 30 days from and after the appointive members have been appointed and have qualified, the appointive members shall arrange for and hold an election.

[Apr. 12, 2000]

---

129

One employee shall be elected for a term ending on December 1st of the first year next following the effective date; one for a term ending on December 1st of the following year.

The initial annuitant member shall be appointed by the other members of the board for an initial term ending on December 1, 1999. ~~Thereafter,~~ The annuitant member elected in 1999 shall be deemed to have been elected for a 3-year 2-year term ending on December 1, 2002. Thereafter, the annuitant member shall be elected for a 3-year term ending on December 1st of the third year following the election 1st of the next odd-numbered year.

(Source: P.A. 90-766, eff. 8-14-98.)

(40 ILCS 5/11-182) (from Ch. 108 1/2, par. 11-182)

Sec. 11-182. Board elections; qualification; oath.

(a) In each year, the board shall conduct a regular election, under rules adopted by it, at least 30 days prior to the expiration of the term of the employee member whose term next expires, for the election of a successor for a term of 3 ~~2~~ years. Each employee member and his or her successor shall be an employee who holds a position by certification and appointment as a result of competitive civil service examination as distinguished from temporary appointment, or so holds a position which is not exempt from the classified service or the personnel ordinance of a city that has adopted a career service ordinance, for a period of not less than 5 years prior to date of election. At any such election, all persons who are employees at the time such election is held shall have a right to vote. The ballot shall be of secret character.

(b) ~~In each odd-numbered year,~~ The board shall conduct a regular election, under rules adopted by it, at least 30 days prior to the expiration of the term of the annuitant member, for the election of a successor for a term of 3 ~~2~~ years. Each annuitant member and his or her successor shall be a former employee receiving a retirement (age and service or prior service) annuity from the Fund. At any such election, all persons who are receiving a retirement (age and service or prior service) annuity from the Fund at the time the election is held have a right to vote. The ballot shall be of secret character.

(c) Any appointive or elective member of the board shall hold office until his or her successor is elected and qualified.

Any person elected or appointed as a member of the board shall qualify for the office by taking an oath of office to be administered by the city clerk or any person designated by the city clerk. A copy thereof shall be kept in the office of the city clerk.

Any appointment shall be in writing and the written instrument shall be filed with the oath.

(Source: P.A. 90-766, eff. 8-14-98.)

(40 ILCS 5/11-223) (from Ch. 108 1/2, par. 11-223)

Sec. 11-223. Annuities, etc., exempt.

(a) All annuities, refunds, pensions, and disability benefits granted under this Article shall be exempt from attachment or garnishment process and shall not be seized, taken, subjected to, detained, or levied upon by virtue of any judgment, or any process or proceeding whatsoever issued out of or by any court in this State, for the payment and satisfaction in whole or in part of any debt, damage, claim, demand, or judgment against any annuitant, participant, refund applicant, or other beneficiary hereunder.

No annuitant, refund applicant, or other beneficiary may transfer or assign his annuity, refund, or disability benefit or any part thereof by way of mortgage or otherwise, except as provided in Section 11-223.1, and except in the case of refunds, when a participant has pledged by assignment, power of attorney, or otherwise, as security for a loan from a legally operating credit

[Apr. 12, 2000]

union making loans only to participants in certain public employee pension funds described in the Illinois Pension Code, all or part of any refund which may become payable to him in the event of his

separation from service. The board in its discretion may, however, pay to the wife or to the unmarried child under 18 years of age of any annuitant, refund applicant, or disability beneficiary, such an amount out of her husband's annuity refund, or disability benefit as any court may order, or such an amount as the board may consider necessary for the support of his wife or children or both in the event of his disappearance or unexplained absence or of his failure to support such wife or children.

(b) The board may retain out of any future annuity, refund, or disability benefit payments, such amount, or amounts as it may require for the repayment of any moneys paid to any annuitant, pensioner, refund applicant, or disability beneficiary through misrepresentation, fraud or error. Any such action of the board shall relieve and release the board and the fund from any liability for any moneys so withheld.

(c) Whenever an annuity or disability benefit is payable to a minor or to a person certified by a medical doctor ~~adjudged~~ to be under legal disability, the board, in its discretion and when it is in ~~to~~ the best interest of the person concerned, may waive guardianship or conservatorship proceedings and pay the annuity or benefit to the person providing or caring for the minor or ~~and to the wife, parent or blood relative providing or caring for the person~~ under legal disability.

In the event that a person certified by a medical doctor to be under legal disability (i) has no spouse, blood relative, or other person providing or caring for him or her, (ii) has no guardian of his or her estate, and (iii) is confined to a Medicare approved, State certified nursing home or to a publicly owned and operated nursing home, hospital, or mental institution, the Board may pay any benefit due that person to the nursing home, hospital, or mental institution, to be used for the sole benefit of the person under legal disability.

Payment in accordance with this subsection to a person, nursing home, hospital, or mental institution for the benefit of a minor or person under legal disability shall be an absolute discharge of the Fund's liability with respect to the amount so paid. Any person, nursing home, hospital, or mental institution accepting payment under this subsection shall notify the Fund of the death or any other relevant change in the status of the minor or person under legal disability.

(d) Whenever an annuitant, applicant for refund or disability beneficiary disappears and his whereabouts are unknown, and it cannot be ascertained that he is alive, there shall be paid to his wife or children or both such amount as will not be in excess of the amount payable to them in the event such annuitant, applicant for refund or disability beneficiary had died on the date of disappearance. If he returns, or upon satisfactory proof of his being alive, the amount theretofore paid to such beneficiaries shall be charged against any moneys payable to him under this Article as though such payment to such beneficiaries had been an allowance to them out of the moneys payable to the employee as an annuitant, applicant for refund or disability beneficiary.

(Source: P.A. 83-706.)

(40 ILCS 5/13-303) (from Ch. 108 1/2, par. 13-303)

Sec. 13-303. Reversionary annuity.

(a) An employee, prior to retirement on annuity, may elect a lesser amount of annuity and provide, with the actuarial value of the

amount by which his annuity is reduced, a reversionary annuity for a wife, husband, parents, children, brothers or sisters. The election may be exercised by filing a written designation with the Board prior to retirement, and may be revoked by the employee at any time before retirement. The death of the employee prior to retirement shall automatically void the election.

(b) The death of the designated reversionary annuitant prior to the employee's retirement shall automatically void the election, but, if death of the designated reversionary annuitant occurs after retirement, the reduced annuity being paid to the retired employee annuitant shall remain unchanged and no reversionary annuity shall be payable.

No reversionary annuity shall be paid if the employee dies before the expiration of 730 days from the date the written designation was filed with the board, even though the employee retired and was receiving a reduced annuity.

(c) An employee exercising this option shall not reduce the annuity by more than 25%, nor elect to provide a reversionary annuity of less than \$100 per month. No such option shall be permitted if the reversionary annuity for a surviving spouse, when added to the surviving spouse's annuity payable under this Article, exceeds 85% of the reduced annuity payable to the employee.

(d) A reversionary annuity shall begin on the day following the death of the annuitant, with the first payment due and payable one month later, and shall continue monthly thereafter until the death of the reversionary annuitant.

(e) The increases in annuity provided in Section 13-302(d) shall, as to an employee so electing a reduced annuity, relate to the amount of reduced annuity, and such lesser amount shall constitute the annuity on which such increases shall be based.

(f) For determining the actuarial value under this option of the employee's annuity and the reversionary annuity, the Fund shall use an actuarial table recommended by the Fund's actuarial consultant and approved by the Board of Trustees ~~the following actuarial table shall be used: "1951 Group Annuity Male Table of Mortality," set back 5 years for employees, with 3% interest.~~

(Source: P.A. 87-794.)

(40 ILCS 5/13-309) (from Ch. 108 1/2, par. 13-309)

Sec. 13-309. Duty disability benefit.

(a) Any employee who becomes disabled, which disability is the result of an injury or illness compensable under the Illinois Workers' Compensation Act or the Illinois Workers' Occupational Diseases Act, is entitled to a duty disability benefit during the period of disability for which the employee does not receive any part of salary, or any part of a retirement annuity under this Article; except that in the case of an employee who first enters service on or after the effective date of this amendatory Act of 1997, a duty disability benefit is not payable for the first 3 days of disability that would otherwise be payable under this Section if the disability does not continue for at least 11 additional days. This benefit shall be 75% of salary at the date disability begins. However, if

the disability in any measure resulted from any physical defect or disease which existed at the time such injury was sustained or such illness commenced, the duty disability benefit shall be 50% of salary.

Unless the employer acknowledges that the disability is a result of injury or illness compensable under the Workers' Compensation Act or the Workers' Occupational Diseases Act, the duty disability benefit shall not be payable until the issue of compensability under those Acts is finally adjudicated. The period of disability shall be

[Apr. 12, 2000]

---

132

as determined by the Illinois Industrial Commission or acknowledged by the employer.

The first payment shall be made not later than one month after the benefit is granted, and subsequent payments shall be made at least monthly. The Board shall by rule prescribe for the payment of such benefits on the basis of the amount of salary lost during the period of disability.

(b) The benefit shall be allowed only if the following requirements are met by the employee:

(1) Application is made to the Board within 90 days from the date disability begins;

(2) A medical report is submitted by at least one licensed and practicing physician as part of the employee's application; and

(3) The employee is examined by at least one licensed and practicing physician appointed by the Board and found to be in a disabled physical condition, and shall be re-examined at least annually thereafter during the continuance of disability. The employee need not be re-examined by a licensed and practicing physician if the attorney for the district certifies in writing that the employee is entitled to receive compensation under the Workers' Compensation Act or the Workers' Occupational Diseases Act.

(c) The benefit shall terminate when:

(1) The employee returns to work or receives a retirement annuity paid wholly or in part under this Article;

(2) The disability ceases;

(3) The employee attains age 65, but if the employee becomes disabled at age 60 or later, benefits may be extended for a period of no more than 5 years after disablement;

(4) The employee (i) refuses to submit to reasonable examinations by physicians or other health professionals appointed by the Board, (ii) fails or refuses to consent to and sign an authorization allowing the Board to receive copies of or to examine the employee's medical and hospital records, or (iii) fails or refuses to provide complete information regarding any other employment for compensation he or she has received since becoming disabled; or

(5) The employee willfully and continuously refuses to follow ~~accept~~ medical advice and treatment to enable the employee to return to work. However this provision does not apply to an employee who relies in good faith on treatment by prayer through

spiritual means alone in accordance with the tenets and practice of a recognized church or religious denomination, by a duly accredited practitioner thereof.

In the case of a duty disability recipient who returns to work, the employee must make application to the Retirement Board within 2 years from the date the employee last received duty disability benefits in order to become again entitled to duty disability benefits based on the injury for which a duty disability benefit was theretofore paid.

(Source: P.A. 90-12, eff. 6-13-97.)

(40 ILCS 5/13-310) (from Ch. 108 1/2, par. 13-310)

Sec. 13-310. Ordinary disability benefit.

(a) Any employee who becomes disabled as the result of any cause other than injury or illness incurred in the performance of duty for the employer or any other employer, or while engaged in self-employment activities, shall be entitled to an ordinary disability benefit. The eligible period for this benefit shall be 25% of the employee's total actual service prior to the date of

[Apr. 12, 2000]

---

133

disability with a cumulative maximum period of 5 years.

(b) The benefit shall be allowed only if the employee files an application in writing with the Board, and a medical report is submitted by at least one licensed and practicing physician as part of the employee's application.

The benefit is not payable for any disability which begins during any period of unpaid leave of absence. No benefit shall be allowed for any period of disability prior to 30 days before application is made, unless the Board finds good cause for the delay in filing the application. The benefit shall not be paid during any period for which the employee receives or is entitled to receive any part of salary.

The benefit is not payable for any disability which begins during any period of absence from duty other than allowable vacation time in any calendar year. An employee whose disability begins during any such ineligible period of absence from service may not receive benefits until the employee recovers from the disability and is in service for at least 15 consecutive working days after such recovery.

In the case of an employee who first enters service on or after the effective date of this amendatory Act of 1997, an ordinary disability benefit is not payable for the first 3 days of disability that would otherwise be payable under this Section if the disability does not continue for at least 11 additional days.

(c) The benefit shall be 50% of the employee's salary at the date of disability, and shall terminate when the earliest of the following occurs:

(1) The employee returns to work or receives a retirement annuity paid wholly or in part under this Article;

(2) The disability ceases;

(3) The employee willfully and continuously refuses to follow medical advice and treatment to enable the employee to return to work. However this provision does not apply to an employee who relies in good faith on treatment by prayer through

spiritual means alone in accordance with the tenets and practice of a recognized church or religious denomination, by a duly accredited practitioner thereof (Blank);

(4) The employee (i) refuses to submit to a reasonable physical examination within 30 days of application by a physician appointed by the Board, (ii) ~~or~~ in the case of chronic alcoholism, the employee refuses to join a rehabilitation program licensed by the Department of Public Health of the State of Illinois, and certified by the Joint Commission on the Accreditation of Hospitals, (iii) fails or refuses to consent to and sign an authorization allowing the Board to receive copies of or to examine the employee's medical and hospital records, or (iv) fails or refuses to provide complete information regarding any other employment for compensation he or she has received since becoming disabled; or

(5) The eligible period for this benefit has been exhausted.

The first payment of the benefit shall be made not later than one month after the same has been granted, and subsequent payments shall be made at intervals of not more than 30 days.

(Source: P.A. 90-12, eff. 6-13-97.)

(40 ILCS 5/13-311) (from Ch. 108 1/2, par. 13-311)

Sec. 13-311. Credit for Workers' Compensation payments. If an employee, or an employee's spouse or children, receives compensation under any workers' compensation or occupational diseases law, the surviving spouse's or child's annuity or the disability benefit payable under this Article shall be reduced by the amount of the

[Apr. 12, 2000]

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compensation so received if the amount is less than the annuity or benefit. If the compensation exceeds the annuity or benefit, no payment of annuity or benefit shall be made until the period of time has elapsed when the annuity or benefit payable at the rates provided in this Article equals the amount of such compensation. However, the commutation of compensation to a lump sum basis as provided in the workers' compensation or occupational diseases law shall not increase the annuity or benefit provided under this Article; the annuity or benefit to be paid hereunder shall be based on the amount of compensation awarded under such laws prior to commutation of such compensation. No interest shall be considered in these calculations.

(Source: P.A. 87-794.)

(40 ILCS 5/13-314) (from Ch. 108 1/2, par. 13-314)

Sec. 13-314. Alternative provisions for Water Reclamation District commissioners.

(a) Transfer of credits. Any Water Reclamation District commissioner elected by vote of the people and who has elected to participate in this Fund may transfer to this Fund credits and creditable service accumulated under any other pension fund or retirement system established under Articles 2 through 18 of this Code, upon payment to the Fund of (1) the amount by which the employer and employee contributions that would have been required if he had participated in this Fund during the period for which credit is being transferred, plus interest, exceeds the amounts actually

transferred from such other fund or system to this Fund, plus (2) interest thereon at 6% per year compounded annually from the date of transfer to the date of payment.

(b) Alternative annuity. Any participant commissioner may elect to establish alternative credits for an alternative annuity by electing in writing to make additional optional contributions in accordance with this Section and procedures established by the Board. Such commissioner may discontinue making the additional optional contributions by notifying the fund in writing in accordance with this Section and procedures established by the Board.

Additional optional contributions for the alternative annuity shall be as follows:

(1) For service after the option is elected, an additional contribution of 3% of salary shall be contributed to the Fund on the same basis and under the same conditions as contributions required under Section 13-502.

(2) For ~~contributions on past service before the option is elected~~, the additional contribution shall be 3% of the salary for the applicable period of service, plus interest at the annual rate from time to time as determined by the Board, compounded annually from the date of service to the date of payment. Contributions for service before the option is elected may be made in a lump sum payment to the Fund or by contributing to the Fund on the same basis and under the same conditions as contributions required under Section 13-502. All payments for past service must be paid in full before credit is given. No additional optional contributions may be made for any period of service for which credit has been previously forfeited by acceptance of a refund, unless the refund is repaid in full with interest at the rate specified in Section 13-603, from the date of refund to the date of repayment.

In lieu of the retirement annuity otherwise payable under this Article, any commissioner who has elected to participate in the Fund and make additional optional contributions in accordance with this Section, has attained age 55, and has at least 6 years of service credit, may elect to have the retirement annuity computed as follows:

[Apr. 12, 2000]

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3% of the participant's average final salary as a commissioner for each of the first 8 years of service credit, plus 4% of such salary for each of the next 4 years of service credit, plus 5% of such salary for each year of service credit in excess of 12 years, subject to a maximum of 80% of such salary. To the extent such commissioner has made additional optional contributions with respect to only a portion of years of service credit, the retirement annuity will first be determined in accordance with this Section to the extent such additional optional contributions were made, and then in accordance with the remaining Sections of this Article to the extent of years of service credit with respect to which additional optional contributions were not made. The change in minimum retirement age (from 60 to 55) made by this amendatory Act of 1993 applies to persons who begin receiving a retirement annuity under this Section on or after the effective date of this amendatory Act, without regard

to whether they are in service on or after that date.

(c) Disability benefits. In lieu of the disability benefits otherwise payable under this Article, any commissioner who (1) has elected to participate in the Fund, and (2) has become permanently disabled and as a consequence is unable to perform the duties of office, and (3) was making optional contributions in accordance with this Section at the time the disability was incurred, may elect to receive a disability annuity calculated in accordance with the formula in subsection (b). For the purposes of this subsection, such commissioner shall be considered permanently disabled only if: (i) disability occurs while in service as a commissioner and is of such a nature as to prevent the reasonable performance of the duties of office at the time; and (ii) the Board has received a written certification by at least 2 licensed physicians appointed by it stating that such commissioner is disabled and that the disability is likely to be permanent.

(d) Alternative survivor's benefits. In lieu of the survivor's benefits otherwise payable under this Article, the spouse or eligible child of any deceased commissioner who (1) had elected to participate in the Fund, and (2) was either making additional optional contributions on the date of death, or was receiving an annuity calculated under this Section at the time of death, may elect to receive an annuity beginning on the date of the commissioner's death, provided that the spouse and commissioner must have been married on the date of the last termination of a service as commissioner and for a continuous period of at least one year immediately preceding death.

The annuity shall be payable beginning on the date of the commissioner's death if the spouse is then age 50 or over, or beginning at age 50 if the age of the spouse is less than 50 years. If a minor unmarried child or children of the commissioner, under age 18, also survive, and the child or children are under the care of the eligible spouse, the annuity shall begin as of the date of death of the commissioner without regard to the spouse's age.

The annuity to a spouse shall be  $66 \frac{2}{3}\%$  of the amount of retirement annuity earned by the commissioner on the date of death, subject to a minimum payment of 10% of salary, provided that if an eligible spouse, regardless of age, has in his or her care at the date of death of the commissioner any unmarried child or children of the commissioner under age 18, the minimum annuity shall be 30% of the commissioner's salary, plus 10% of salary on account of each minor child of the commissioner, subject to a combined total payment on account of a spouse and minor children not to exceed 50% of the deceased commissioner's salary. In the event there shall be no spouse of the commissioner surviving, or should a spouse die while eligible minor children still survive the commissioner, each such child shall

[Apr. 12, 2000]

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be entitled to an annuity equal to 20% of salary of the commissioner subject to a combined total payment on account of all such children not to exceed 50% of salary of the commissioner. The salary to be used in the calculation of these benefits shall be the same as that prescribed for determining a retirement annuity as provided in subsection (b) of this Section.

Upon the death of a commissioner occurring after termination of a service or while in receipt of a retirement annuity, the combined total payment to a spouse and minor children, or to minor children alone if no eligible spouse survives, shall be limited to 75% of the amount of retirement annuity earned by the commissioner.

Adopted children shall have status as natural children of the commissioner only if the proceedings for adoption were commenced at least one year prior to the date of the commissioner's death.

Marriage of a child or attainment of age 18, whichever first occurs, shall render the child ineligible for further consideration in the payment of annuity to a spouse or in the increase in the amount thereof. Upon attainment of ineligibility of the youngest minor child of the commissioner, the annuity shall immediately revert to the amount payable upon death of a commissioner leaving no minor children surviving. If the spouse is under age 50 at such time, the annuity as revised shall be deferred until such age is attained.

(e) Refunds. Refunds of additional optional contributions shall be made on the same basis and under the same conditions as provided under Section 13-601. Interest shall be credited on the same basis and under the same conditions as for other contributions.

Optional contributions shall be accounted for in a separate Commission's Optional Contribution Reserve. Optional contributions under this Section shall be included in the amount of employee contributions used to compute the tax levy under Section 13-503.

(f) Effective date. The effective date of this plan of optional alternative benefits and contributions shall be the date upon which approval was received from the U.S. Internal Revenue Service. The plan of optional alternative benefits and contributions shall not be available to any former employee receiving an annuity from the Fund on the effective date, unless said former employee re-enters service and renders at least 3 years of additional service after the date of re-entry as a commissioner.

(Source: P.A. 90-12, eff. 6-13-97.)

(40 ILCS 5/13-603) (from Ch. 108 1/2, par. 13-603)

Sec. 13-603. Restoration of rights. If an employee who has received a refund subsequently re-enters the service and renders one year of contributing service from the date of such re-entry, the employee shall be entitled to have restored all accumulation and service credits previously forfeited by making a repayment of the refund, including interest of ~~8% per annum~~ from the date of the refund to the date of repayment at a rate equal to the higher of 8% per annum or the actuarial investment return assumption used in the Fund's most recent Annual Actuarial Statement. Repayment may be made either directly to the Fund or in a manner similar to that provided for the contributions required under Section 13-502. The repayment must be made in a lump sum. The service credits represented thereby, or any part thereof, shall not become effective unless the full amount due has been paid by the employee, including interest. If the employee fails to make a full repayment, any partial amounts paid by the employee shall be refunded without interest if the employee dies in service or withdraws.

(Source: P.A. 87-794.)

(40 ILCS 5/14-118) (from Ch. 108 1/2, par. 14-118)

Sec. 14-118. Widow's annuity - Conditions for payment. A widow

who exercises the right of election to receive an annuity pursuant to this Section is entitled to a lump sum payment of \$500 plus a widow's annuity, if:

(1) she was married to the deceased member:

(i) in the case of a member who dies before the effective date of this amendatory Act of the 91st General Assembly, for at least one year prior to his death or retirement, whichever first occurs, and also on the day of the last termination of his service as a State employee; or

(ii) in the case of a member who dies on or after the effective date of this amendatory Act of the 91st General Assembly, for at least one year immediately prior to the date of death, regardless of the date of withdrawal;

(2) the deceased member had at least 8 years of creditable service if death occurred while in service, or while on leave of absence from service, or while in receipt of a nonoccupational disability or occupational disability benefit, or after retirement;

(3) she was nominated exclusively to receive the entire death benefit payable under this Article;

(4) death of the member occurred after withdrawal, and he had fulfilled the prescribed age and service conditions for establishing a right in a retirement annuity; and

(5) she elected to receive the widow's annuity within 6 months from the date of death of the employee, otherwise the survivors annuity if applicable, shall be payable.

If a widow's annuity beneficiary becomes entitled to a survivors annuity and a widow's annuity, she shall elect to receive only one of such annuities.

The surviving spouse of a person who (1) died on or after January 1, 1985, (2) withdrew from service prior to August 1, 1953, (3) was receiving an annuity from the system at the time of death, and (4) meets all other requirements of this Section, shall be entitled to the benefits provided under this Section.

A widow's annuity shall be payable beginning on the first of the month following the date of death of the member if the widow has then attained age 50 or, if she is under age 50 on such date, on the first of the month following her attainment of such age; provided, that if an unmarried child or children of the member under age 18 (or under age 22 if a full-time student) also survive him, and the child or children are under the care of the eligible widow, the widow's annuity shall begin on the first of the month following the member's death without regard to the age of the widow. If she is under age 50 at the death of the member and she qualifies for a widow's annuity, she is entitled to receive the lump sum payment immediately upon application, but payment of the widow's annuity shall be deferred as provided above.

The provision for a widow's annuity shall not be construed to affect the payment of a reversionary annuity. If a widow qualifies for more than one widow's annuity, or for a widow's annuity and a survivors annuity, she shall elect to receive only one of such annuities.

This Section shall not apply to the widow of any male person who first became a member after July 19, 1961.

(Source: P.A. 90-448, eff. 8-16-97.)

(40 ILCS 5/14-120) (from Ch. 108 1/2, par. 14-120)

Sec. 14-120. Survivors annuities - Conditions for payments. A survivors annuity is established for all members of the System. Upon the death of any male person who was a member on July 19, 1961, however, his widow may have the option of receiving the widow's

[Apr. 12, 2000]

annuity provided in this Article, in lieu of the survivors annuity.

(a) A survivors annuity beneficiary, as herein defined, is eligible for a survivors annuity if the deceased member had completed at least 1 1/2 years of contributing creditable service if death occurred:

- (1) while in service;
- (2) while on an approved or authorized leave of absence from service, not exceeding one year continuously; or
- (3) while in receipt of a non-occupational disability or an occupational disability benefit.

(b) If death of the member occurs after withdrawal, the survivors annuity beneficiary is eligible for such annuity only if the member had fulfilled at the date of withdrawal the prescribed service conditions for establishing a right in a retirement annuity.

(c) Payment of the survivors annuity shall begin immediately if the beneficiary is 50 years or over, or upon attainment of age 50 if the beneficiary is under that age at the date of the member's death. In the case of survivors of a member whose death occurred between November 1, 1970 and July 15, 1971, the payment of the survivors annuity shall begin upon October 1, 1977, if the beneficiary is then 50 years of age or older, or upon the attainment of age 50 if the beneficiary is under that age on October 1, 1977.

If an eligible child or children, under the care of the spouse also survive the member, the survivors annuity shall begin immediately without regard to whether the beneficiary has attained age 50.

Benefits under this Section shall accrue and be payable for whole calendar months, beginning on the first day of the month after the initiating event occurs and ending on the last day of the month in which the terminating event occurs.

(d) A survivor annuity beneficiary means:

- (1) A spouse of a member or annuitant if:
  - (i) in the case of a member or annuitant who dies before the effective date of this amendatory Act of the 91st General Assembly, the current marriage with the member or annuitant was in effect for at least one year at the date of the member or annuitant's death or withdrawal, whichever first occurs; or
  - (ii) in the case of a member or annuitant who dies on or after the effective date of this amendatory Act of the 91st General Assembly, the current marriage with the member or annuitant was in effect for at least one year immediately prior to the date of death, regardless of the date of withdrawal.

(2) An unmarried child under age 18 (under age 22 if a

full-time student) of the member or annuitant; an unmarried stepchild under age 18 (under age 22 if a full-time student) who has been such for at least one year at the date of the member's death or at least one year at the date of withdrawal, whichever first occurs; an unmarried adopted child under age 18 (under age 22 if a full-time student) if the adoption proceedings were initiated at least one year prior to the death or withdrawal of the member or annuitant, whichever first occurs; and an unmarried child over age 18 if he or she is dependent by reason of a physical or mental disability, so long as the physical or mental disability continues. For purposes of this subsection, disability means inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous

[Apr. 12, 2000]

---

139

period of not less than 12 months.

(3) A dependent parent of the member or annuitant; a dependent step-parent by a marriage contracted before the member or annuitant attained age 18; or a dependent adopting parent by whom the member or annuitant was adopted before he or she attained age 18.

(e) Payment of a survivors annuity to a beneficiary terminates upon: (1) remarriage before age 55 that occurs before the effective date of this amendatory Act of the 91st General Assembly or death, if the beneficiary is a spouse; (2) marriage or death, if the beneficiary is a child; or (3) remarriage before age 55 or death, if the beneficiary is a parent. Remarriage of a prospective beneficiary prior to the attainment of age 50 disqualifies the beneficiary for the annuity expectancy hereunder, if the remarriage occurs before the effective date of this amendatory Act of the 91st General Assembly. Termination due to a marriage or remarriage shall be permanent, regardless of any future changes in marital status.

The substantive changes made to this subsection by this amendatory Act of the 91st General Assembly (pertaining to remarriage prior to age 55 or 50) apply without regard to whether the deceased participant or annuitant was in service on or after the effective date of this amendatory Act.

Any person whose survivors annuity was terminated during 1978 or 1979 due to remarriage at age 55 or over shall be eligible to apply, not later than July 1, 1990, for a resumption of that annuity, to begin on July 1, 1990.

(f) The term "dependent" relating to a survivors annuity means a beneficiary of a survivors annuity who was receiving from the member at the date of the member's death at least 1/2 of the support for maintenance including board, lodging, medical care and like living costs.

(g) If there is no eligible spouse surviving the member, or if a survivors annuity beneficiary includes a spouse who dies or is disqualified by remarriage ~~remarries~~, the annuity is payable to an unmarried child or children. If at the date of death of the member there is no spouse or unmarried child, payments shall be made to a

dependent parent or parents. If no eligible survivors annuity beneficiary survives the member, the non-occupational death benefit is payable in the manner provided in this Article.

(h) Survivor benefits do not affect any reversionary annuity.

(i) If a survivors annuity beneficiary becomes entitled to a widow's annuity or one or more survivors annuities or both such annuities, the beneficiary shall elect to receive only one of such annuities.

(j) Contributing creditable service under the State Universities Retirement System and the Teachers' Retirement System of the State of Illinois shall be considered in determining whether the member has met the contributing service requirements of this Section.

(k) In lieu of the Survivor's Annuity described in this Section, the spouse of the member has the option to select the Nonoccupational Death Benefit described in this Article, provided the spouse is the sole survivor and the sole nominated beneficiary of the member.

(l) The changes made to this Section and Sections 14-118, 14-119, and 14-128 by this amendatory Act of 1997, relating to benefits for certain unmarried children who are full-time students under age 22, apply without regard to whether the deceased member was in service on or after the effective date of this amendatory Act of 1997. These changes do not authorize the repayment of a refund or a re-election of benefits, and any benefit or increase in benefits resulting from these changes is not payable retroactively for any

[Apr. 12, 2000]

period before the effective date of this amendatory Act of 1997.

(Source: P.A. 90-448, eff. 8-16-97; 91-357, eff. 7-29-99.)

(40 ILCS 5/14-128) (from Ch. 108 1/2, par. 14-128)

Sec. 14-128. Occupational death benefit. An occupational death benefit is provided for a member of the System whose death, prior to retirement, is the proximate result of bodily injuries sustained or a hazard undergone while in the performance and within the scope of the member's duties.

(a) Conditions for payment.

Exclusive of the lump sum payment provided for herein, all annuities under this Section shall accrue and be payable for complete calendar months, beginning on the first day of the month next following the month in which the initiating event occurs and ending on the last day of the month in which the terminating event occurs.

The following named survivors of the member may be eligible for an annuity under this Section:

(i) The member's spouse.

(ii) An unmarried child of the member under age 18 (under age 22 if a full-time student); an unmarried stepchild under age 18 (under age 22 if a full-time student) who has been such for at least one year at the date of the member's death; an unmarried adopted child under age 18 (under age 22 if a full-time student) if the adoption proceedings were initiated at least one year prior to the death of the member; and an unmarried child over age 18 who is dependent by reason of a physical or mental disability, for so long as such physical or mental disability continues. For the purposes of this Section disability means inability to engage

in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months.

(iii) If no spouse or eligible children survive: a dependent parent of the member; a dependent step-parent by a marriage contracted before the member attained age 18; or a dependent adopting parent by whom the member was adopted before he or she attained age 18.

The term "dependent" relating to an occupational death benefit means a survivor of the member who was receiving from the member at the date of the member's death at least 1/2 of the support for maintenance including board, lodging, medical care and like living costs.

Payment of the annuity shall continue until the occurrence of the following:

(1) remarriage before age 55 that occurs before the effective date of this amendatory Act of the 91st General Assembly or death, in the case of a surviving spouse;

(2) attainment of age 18 or termination of disability, death, or marriage, in the case of an eligible child;

(3) remarriage before age 55 or death, in the case of a dependent parent.

If none of the aforementioned beneficiaries is living at the date of death of the member, no occupational death benefit shall be payable, but the nonoccupational death benefit shall be payable as provided in this Article.

The change made to this subsection by this amendatory Act of the 91st General Assembly (pertaining to remarriage prior to age 55) applies without regard to whether the deceased member was in service on or after the effective date of this amendatory Act.

(b) Amount of benefit.

The member's accumulated contributions plus credited interest

[Apr. 12, 2000]

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shall be payable in a lump sum to such person as the member has nominated by written direction, duly acknowledged and filed with the Board, or if no such nomination to the estate of the member. When an annuitant is re-employed by a Department, the accumulated contributions plus credited interest payable on the member's account shall, if the member has not previously elected a reversionary annuity, consist of the excess, if any, of the member's total accumulated contributions plus credited interest for all creditable service over the total amount of all retirement annuity payments received by the member prior to death.

In addition to the foregoing payment, an annuity is provided for eligible survivors as follows:

(1) If the survivor is a spouse only, the annuity shall be 50% of the member's final average compensation.

(2) If the spouse has in his or her care an eligible child or children, the annuity shall be increased by an amount equal to 15% of the final average compensation on account of each such child, subject to a limitation on the combined annuities to a

surviving spouse and children of 75% of final average compensation.

(3) If there is no surviving spouse, or if the surviving spouse dies or remarries while a child remains eligible, then each such child shall be entitled to an annuity of 15% of the deceased member's final average compensation, subject to a limitation of 50% of final average compensation to all such children.

(4) If there is no surviving spouse or eligible children, then an annuity shall be payable to the member's dependent parents, equal to 25% of final average compensation to each such beneficiary.

If any annuity payable under this Section is less than the corresponding survivors annuity, the beneficiary or beneficiaries of the annuity under this Section may elect to receive the survivors annuity and the nonoccupational death benefit provided for in this Article in lieu of the annuity provided under this Section.

(c) Occupational death claims pending adjudication by the Industrial Commission or a ruling by the agency responsible for determining the liability of the State under the "Workers' Compensation Act" or "Workers' Occupational Diseases Act" shall be payable under Sections 14-120 and 14-121 ~~the Survivor's Annuity Section of this Article~~ until a ruling or adjudication occurs, if the beneficiary or beneficiaries: (1) meet all conditions for payment as prescribed in this Article; and (2) execute an assignment of benefits payable as a result of adjudication by the Industrial Commission or a ruling by the agency responsible for determining the liability of the State under such Acts. The assignment shall be made to the System and shall be for an amount equal to the excess of benefits paid under Sections 14-120 and 14-121 ~~the Survivor's Annuity Section of this Article~~ over benefits payable as a result of adjudication of the workers' compensation claim computed from the date of death of the member.

(d) Every occupational death annuity payable under this Section shall be increased on each January 1 occurring on or after (i) January 1, 1990, or (ii) the first anniversary of the commencement of the annuity, whichever occurs later, by an amount equal to 3% of the current amount of the annuity, including any previous increases under this Article, without regard to whether the deceased member was in service on the effective date of this amendatory Act of 1991.

(Source: P.A. 90-448, eff. 8-16-97.)

(40 ILCS 5/14-130) (from Ch. 108 1/2, par. 14-130)

[Apr. 12, 2000]

Sec. 14-130. Refunds; rules.

(a) Upon withdrawal a member is entitled to receive, upon written request, a refund of the member's contributions, including credits granted while in receipt of disability benefits, without credited interest. The board, in its discretion may withhold payment of the refund of a member's contributions for a period not to exceed 1 year after the member has ceased to be an employee.

For purposes of this Section, a member will be considered to have withdrawn from service if a change in, or transfer of, his position

results in his becoming ineligible for continued membership in this System and eligible for membership in another public retirement system under this Act.

(b) A member receiving a refund forfeits and relinquishes all accrued rights in the System, including all accumulated creditable service. If the person again becomes a member of the System and establishes at least 2 years of creditable service, the member may repay the moneys previously refunded. However, a former member may restore credits previously forfeited by acceptance of a refund without returning to service by applying in writing and repaying to the System, by April 1, 1993, the amount of the refund plus regular interest calculated from the date of refund to the date of repayment.

The repayment of refunds issued prior to January 1, 1984 shall consist of the amount refunded plus 5% interest per annum compounded annually for the period from the date of the refund to the end of the month in which repayment is made. The repayment of refunds issued after January 1, 1984 shall consist of the amount refunded plus regular interest for the period from the date of refund to the end of the month in which repayment is made. However, in the case of a refund that is repaid in a lump sum between January 1, 1991 and July 1, 1991, repayment shall consist of the amount refunded plus interest at the rate of 2.5% per annum compounded annually from the date of the refund to the end of the month in which repayment is made.

Upon repayment, the member shall receive credit for the service, member contributions and regular interest that was forfeited by acceptance of the refund as well as regular interest for the period of non-membership. Such repayment shall be made in full before retirement either in a lump sum or in installment payments in accordance with such rules as may be adopted by the board.

(b-5) The Board may adopt rules governing the repayment of refunds and establishment of credits in cases involving awards of back pay or reinstatement. The rules may authorize repayment of a refund in installment payments and may waive the payment of interest on refund amounts repaid in full within a specified period.

(c) A member no longer in service who is unmarried and on the date of retirement or who does not have an eligible survivors annuity beneficiary on the at that date of application therefor is entitled to a refund of contributions for widow's annuity or survivors annuity purposes, or both, as the case may be, without interest. A widow's annuity or survivors annuity shall not be payable upon the death of a person who has received this refund, unless prior to that death the amount of the refund has been repaid to the System, together with regular interest from the date of the refund to the date of repayment.

(d) Any member who has service credit in any position for which an alternative retirement annuity is provided and in relation to which an increase in the rate of employee contribution is required, shall be entitled to a refund, without interest, of that part of the member's employee contribution which results from that increase in the employee rate if the member does not qualify for that alternative retirement annuity at the time of retirement.

[Apr. 12, 2000]

(Source: P.A. 90-448, eff. 8-16-97.)

(40 ILCS 5/15-107) (from Ch. 108 1/2, par. 15-107)

Sec. 15-107. Employee.

(a) "Employee" means any member of the educational, administrative, secretarial, clerical, mechanical, labor or other staff of an employer whose employment is permanent and continuous or who is employed in a position in which services are expected to be rendered on a continuous basis for at least 4 months or one academic term, whichever is less, who (A) receives payment for personal services on a warrant issued pursuant to a payroll voucher certified by an employer and drawn by the State Comptroller upon the State Treasurer or by an employer upon trust, federal or other funds, or (B) is on a leave of absence without pay. Employment which is irregular, intermittent or temporary shall not be considered continuous for purposes of this paragraph.

However, a person is not an "employee" if he or she:

(1) is a student enrolled in and regularly attending classes in a college or university which is an employer, and is employed on a temporary basis at less than full time;

(2) is currently receiving a retirement annuity or a disability retirement annuity under Section 15-153.2 from this System;

(3) is on a military leave of absence;

(4) is eligible to participate in the Federal Civil Service Retirement System and is currently making contributions to that system based upon earnings paid by an employer;

(5) is on leave of absence without pay for more than 60 days immediately following termination of disability benefits under this Article;

(6) is hired after June 30, 1979 as a public service employment program participant under the Federal Comprehensive Employment and Training Act and receives earnings in whole or in part from funds provided under that Act;

(7) is employed on or after July 1, 1991 to perform services that are excluded by subdivision (a)(7)(f) or (a)(19) of Section 210 of the federal Social Security Act from the definition of employment given in that Section (42 U.S.C. 410); or

(8) participates in an optional program for part-time workers under Section 15-158.1.

(b) Any employer may, by filing a written notice with the board, exclude from the definition of "employee" all persons employed pursuant to a federally funded contract entered into after July 1, 1982 with a federal military department in a program providing training in military courses to federal military personnel on a military site owned by the United States Government, if this exclusion is not prohibited by the federally funded contract or federal laws or rules governing the administration of the contract.

(c) Any person appointed by the Governor under the Civil Administrative Code of the State is an employee, if he or she is a participant in this system on the effective date of the appointment.

(d) A participant on lay-off status under civil service rules is considered an employee for not more than 120 days from the date of the lay-off.

(e) A participant is considered an employee during (1) the first 60 days of disability leave, (2) the period, not to exceed one year, in which his or her eligibility for disability benefits is being

considered by the board or reviewed by the courts, and (3) the period he or she receives disability benefits under the provisions of Section 15-152, workers' compensation or occupational disease

[Apr. 12, 2000]

---

144

benefits, or disability income under an insurance contract financed wholly or partially by the employer.

(f) Absences without pay, other than formal leaves of absence, of less than 30 calendar days, are not considered as an interruption of a person's status as an employee. If such absences during any period of 12 months exceed 30 work days, the employee status of the person is considered as interrupted as of the 31st work day.

(g) A staff member whose employment contract requires services during an academic term is to be considered an employee during the summer and other vacation periods, unless he or she declines an employment contract for the succeeding academic term or his or her employment status is otherwise terminated, and he or she receives no earnings during these periods.

(h) An individual who was a participating employee employed in the fire department of the University of Illinois's Champaign-Urbana campus immediately prior to the elimination of that fire department and who immediately after the elimination of that fire department became employed by the fire department of the City of Urbana or the City of Champaign shall continue to be considered as an employee for purposes of this Article for so long as the individual remains employed as a firefighter by the City of Urbana or the City of Champaign. The individual shall cease to be considered an employee under this subsection (h) upon the first termination of the individual's employment as a firefighter by the City of Urbana or the City of Champaign.

(i) An individual who is employed on a full-time basis as an officer or employee of a statewide teacher organization that serves System participants or an officer of a national teacher organization that serves System participants may participate in the System and shall be deemed an employee, provided that (1) the individual has previously earned creditable service under this Article, (2) the individual files with the System an irrevocable election to become a participant, and (3) the individual does not receive credit for that employment under any other Article of this Code. An employee under this subsection (i) is responsible for paying to the System both (A) employee contributions based on the actual compensation received for service with the teacher organization and (B) employer contributions equal to the normal costs (as defined in Section 15-155) resulting from that service; all or any part of these contributions may be paid on the employee's behalf or picked up for tax purposes (if authorized under federal law) by the teacher organization.

A person who is an employee as defined in this subsection (i) may establish service credit for similar employment prior to becoming an employee under this subsection by paying to the System for that employment the contributions specified in this subsection, plus interest at the effective rate from the date of service to the date of payment. However, credit shall not be granted under this subsection for any such prior employment for which the applicant

received credit under any other provision of this Code, or during which the applicant was on a leave of absence under Section 15-113.2. (Source: P.A. 89-430, eff. 12-15-95; 90-448, eff. 8-16-97; 90-576, eff. 3-31-98; 90-766, eff. 8-14-98.)

(40 ILCS 5/15-111) (from Ch. 108 1/2, par. 15-111)

Sec. 15-111. Earnings. "Earnings": An amount paid for personal services equal to the sum of the basic compensation plus extra compensation for summer teaching, overtime or other extra service. For periods for which an employee receives service credit under subsection (c) of Section 15-113.1 or Section 15-113.2, earnings are equal to the basic compensation on which contributions are paid by the employee during such periods. Compensation for employment which

[Apr. 12, 2000]

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145

is irregular, intermittent and temporary shall not be considered earnings, unless the participant is also receiving earnings from the employer as an employee under Section 15-107.

With respect to transition pay paid by the University of Illinois to a person who was a participating employee employed in the fire department of the University of Illinois's Champaign-Urbana campus immediately prior to the elimination of that fire department:

(1) "Earnings" includes transition pay paid to the employee on or after the effective date of this amendatory Act of the 91st General Assembly.

(2) "Earnings" includes transition pay paid to the employee before the effective date of this amendatory Act of the 91st General Assembly only if (i) employee contributions under Section 15-157 have been withheld from that transition pay or (ii) the employee pays to the System before January 1, 2001 an amount representing employee contributions under Section 15-157 on that transition pay. Employee contributions under item (ii) may be paid in a lump sum, by withholding from additional transition pay accruing before January 1, 2001, or in any other manner approved by the System. Upon payment of the employee contributions on transition pay, the corresponding employer contributions become an obligation of the State.

(Source: P.A. 87-8.)

(40 ILCS 5/15-112) (from Ch. 108 1/2, par. 15-112)

Sec. 15-112. Final rate of earnings. "Final rate of earnings": For an employee who is paid on an hourly basis or who receives an annual salary in installments during 12 months of each academic year, the average annual earnings during the 48 consecutive calendar month period ending with the last day of final termination of employment or the 4 consecutive academic years of service in which the employee's earnings were the highest, whichever is greater. For any other employee, the average annual earnings during the 4 consecutive academic years of service in which his or her earnings were the highest. For an employee with less than 48 months or 4 consecutive academic years of service, the average earnings during his or her entire period of service. The earnings of an employee with more than 36 months of service prior to the date of becoming a participant are, for such period, considered equal to the average earnings during the last 36 months of such service. For an employee on leave of absence

with pay, or on leave of absence without pay who makes contributions during such leave, earnings are assumed to be equal to the basic compensation on the date the leave began. For an employee on disability leave, earnings are assumed to be equal to the basic compensation on the date disability occurs or the average earnings during the 24 months immediately preceding the month in which disability occurs, whichever is greater.

For a participant who retires on or after the effective date of this amendatory Act of 1997 with at least 20 years of service as a firefighter or police officer under this Article, the final rate of earnings shall be the annual rate of earnings received by the participant on his or her last day as a firefighter or police officer under this Article, if that is greater than the final rate of earnings as calculated under the other provisions of this Section.

If a participant is an employee for at least 6 months during the academic year in which his or her employment is terminated, the annual final rate of earnings shall be 25% of the sum of (1) the annual basic compensation for that year, and (2) the amount earned during the 36 months immediately preceding that year, if this is greater than the final rate of earnings as calculated under the other provisions of this Section.

[Apr. 12, 2000]

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In the determination of the final rate of earnings for an employee, that part of an employee's earnings for any academic year beginning after June 30, 1997, which exceeds the employee's earnings with that employer for the preceding year by more than 20 percent shall be excluded; in the event that an employee has more than one employer this limitation shall be calculated separately for the earnings with each employer. In making such calculation, only the basic compensation of employees shall be considered, without regard to vacation or overtime or to contracts for summer employment.

The following are not considered as earnings in determining final rate of earnings: severance or separation pay, retirement pay, payment in lieu of unused sick leave and payments from an employer for the period used in determining final rate of earnings for any purpose other than services rendered, leave of absence or vacation granted during that period, and vacation of up to 56 work days allowed upon termination of employment ~~under a vacation policy of an employer which was in effect on or before January 1, 1977.~~

Intermittent periods of service shall be considered as consecutive in determining final rate of earnings.

(Source: P.A. 90-65, eff. 7-7-97; 90-511, eff. 8-22-97.)

(40 ILCS 5/15-120) (from Ch. 108 1/2, par. 15-120)

Sec. 15-120. Beneficiary; survivor annuitant under portable benefit package. "Beneficiary": The person or persons designated by the participant or annuitant in the last written designation on file with the board; or if no person so designated survives, or if no designation is on file, the estate of the participant or annuitant. Acceptance by the participant of a refund of accumulated contributions shall result in cancellation of all beneficiary designations previously filed. A spouse whose marriage was dissolved shall be disqualified as beneficiary unless the spouse was designated

as beneficiary after the effective date of the dissolution of marriage.

After a joint and survivor annuity commences under the portable benefit package, the survivor annuitant of a joint and survivor annuity is not disqualified, and may not be removed, as the survivor annuitant by a dissolution of the survivor's marriage with the participant or annuitant.

(Source: P.A. 83-1440.)

(40 ILCS 5/15-132.2 new)

Sec. 15-132.2. Retire and retirement. A participant "retires", and his or her "retirement" begins, when his or her annuity payment period begins.

(40 ILCS 5/15-134.5)

Sec. 15-134.5. Retirement program elections.

(a) All participating employees are participants under the traditional benefit package prior to January 1, 1998.

Effective as of the date that an employer elects, as described in Section 15-158.2, to offer to its employees the portable benefit package and the self-managed plan as alternatives to the traditional benefit package, each of that employer's eligible employees (as defined in subsection (b)) shall be given the choice to elect which retirement program he or she wishes to participate in with respect to all periods of covered employment occurring on and after the effective date of the employee's election. The retirement program election made by an eligible employee must be made in writing, in the manner prescribed by the System, and within the time period described in subsection (d) or (d-1).

The employee election authorized by this Section is a one-time, irrevocable election. If an employee terminates employment after making the election provided under this subsection (a), then upon his

[Apr. 12, 2000]

or her subsequent re-employment with an employer the original election shall automatically apply to him or her, provided that the employer is then a participating employer as described in Section 15-158.2.

An eligible employee who fails to make this election shall, by default, participate in the traditional benefit package.

(b) "Eligible employee" means an employee (as defined in Section 15-107) who is either a currently eligible employee or a newly eligible employee. For purposes of this Section, a "currently eligible employee" is an employee who is employed by an employer on the effective date on which the employer offers to its employees the portable benefit package and the self-managed plan as alternatives to the traditional benefit package. A "newly eligible employee" is an employee who first becomes employed by an employer after the effective date on which the employer offers its employees the portable benefit package and the self-managed plan as alternatives to the traditional benefit package. A newly eligible employee participates in the traditional benefit package until he or she makes an election to participate in the portable benefit package or the self-managed plan. If an employee does not elect to participate in the portable benefit package or the self-managed plan, he or she

shall continue to participate in the traditional benefit package by default.

(c) An eligible employee who at the time he or she is first eligible to make the election described in subsection (a) does not have sufficient age and service to qualify for a retirement annuity under Section 15-135 may elect to participate in the traditional benefit package, the portable benefit package, or the self-managed plan. An eligible employee who has sufficient age and service to qualify for a retirement annuity under Section 15-135 at the time he or she is first eligible to make the election described in subsection (a) may elect to participate in the traditional benefit package or the portable benefit package, but may not elect to participate in the self-managed plan.

(d) A currently eligible employee must make this election within one year after the effective date of the employer's adoption of the self-managed plan.

A newly eligible employee must make this election within 6 months after the date on which the System receives the report of status certification from the employer 60 days after becoming an eligible employee. If an employee elects to participate in the self-managed plan, no employer contributions shall be remitted to the self-managed plan when the employee's account balance transfer is made. Employer contributions to the self-managed plan shall commence as of the first pay period that begins after the System receives the employee's election.

(d-1) A newly eligible employee who, prior to the effective date of this amendatory Act of the 91st General Assembly, fails to make the election within the period provided under subsection (d) and participates by default in the traditional benefit package may make a late election to participate in the portable benefit package or the self-managed plan instead of the traditional benefit package at any time within 6 months after the effective date of this amendatory Act of the 91st General Assembly. The employer shall not remit contributions to the System on behalf of a newly eligible employee until the earlier of the expiration of the employee's 60 day election period or the date on which the employee submits a properly completed election to the employer or to the System.

(e) If a currently ~~an~~ eligible employee elects the portable benefit package, that election shall not become effective until the

[Apr. 12, 2000]

one-year anniversary of the date on which the election is filed with the System, provided the employee remains continuously employed by the employer throughout the one-year waiting period, and any benefits payable to or on account of the employee before such one-year waiting period has ended shall not be determined under the provisions applicable to the portable benefit package but shall instead be determined in accordance with the traditional benefit package. If a currently an eligible employee who has elected the portable benefit package terminates employment covered by the System before the one-year waiting period has ended, then no benefits shall be determined under the portable benefit package provisions while he or she is inactive in the System and upon re-employment with an employer

covered by the System he or she shall begin a new one-year waiting period before the provisions of the portable benefit package become effective.

(f) An eligible employee shall be provided with written information prepared or prescribed by the System which describes the employee's retirement program choices. The eligible employee shall be offered an opportunity to receive counseling from the System prior to making his or her election. This counseling may consist of videotaped materials, group presentations, individual consultation with an employee or authorized representative of the System in person or by telephone or other electronic means, or any combination of these methods.

(Source: P.A. 90-766, eff. 8-14-98.)

(40 ILCS 5/15-136.4)

Sec. 15-136.4. Retirement and Survivor Benefits Under Portable Benefit Package.

(a) This Section 15-136.4 describes the form of annuity and survivor benefits available to a participant who has elected the portable benefit package and has completed the one-year waiting period required under subsection (e) of Section 15-134.5. For purposes of this Section, the term "eligible spouse" means the husband or wife of a participant to whom the participant is married on the date the participant's retirement annuity begins, provided however, that if the participant should die prior to the commencement of retirement annuity benefits, then "eligible spouse" means the husband or wife, if any, to whom the participant was married throughout the one-year period preceding the date of his or her death.

(b) This subsection (b) describes the normal form of annuity payable to a participant subject to this Section 15-136.4. If the participant is unmarried on the date his or her annuity payments commence, then the annuity payments shall be made in the form of a single-life annuity as described in Section 15-118. If the participant is married on the date his or her annuity payments commence, then the annuity payments shall be paid in the form of a qualified joint and survivor annuity that is the actuarial equivalent of the single-life annuity. Under the "qualified joint and survivor annuity", a reduced amount shall be paid to the participant for his or her lifetime and his or her eligible spouse, if surviving at the participant's death, shall be entitled to receive thereafter a lifetime survivorship annuity in a monthly amount equal to 50% of the reduced monthly amount that was payable to the participant. The last payment of a qualified joint and survivor annuity shall be made as of the first day of the month in which the death of the survivor occurs.

(c) Instead of the normal form of annuity that would be paid under subsection (b), a participant may elect in writing within the 90-day period prior to the date his or her annuity payments commence to waive the normal form of annuity payment and receive an optional

[Apr. 12, 2000]

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form of annuity as described in subsection (h). If the participant is married and elects an optional form of annuity under subsection (h) other than a joint and survivor annuity with the eligible spouse

designated as the contingent annuitant, then such election shall require the consent of his or her eligible spouse in the manner described in subsection (d). At any time during the 90-day period preceding the date the participant's annuity commences, the participant may revoke the optional form elected under this subsection (c) and reinstate coverage under the qualified joint and survivor annuity without the spouse's consent, but an election to revoke the optional form elected and elect a new optional form or designate a different contingent annuitant shall not be effective without the eligible spouse's consent.

(d) The eligible spouse's consent to any election made pursuant to this Section that requires the eligible spouse's consent shall be in writing and shall acknowledge the effect of the consent. In addition, the eligible spouse's signature on the written consent must be witnessed by a notary public. The eligible spouse's consent need not be obtained if the system is satisfied that there is no eligible spouse, that the eligible spouse cannot be located, or because of any other relevant circumstances. An eligible spouse's consent under this Section is valid only with respect to the specified optional form of payment and, if applicable, contingent annuitant designated by the participant. If the optional form of payment or the contingent annuitant is subsequently changed (other than by a revocation of the optional form and reinstatement of the qualified joint and survivor annuity), a new consent by the eligible spouse is required. The eligible spouse's consent to an election made by a participant pursuant to this Section, once made, may not be revoked by the eligible spouse.

(e) Within a reasonable period of time preceding the date a participant's annuity commences, a participant shall be supplied with a written explanation of (1) the terms and conditions of the normal form single-life annuity and qualified joint and survivor annuity, (2) the participant's right to elect a single-life annuity or an optional form of payment under subsection (h) subject to his or her eligible spouse's consent, if applicable, and (3) the participant's right to reinstate coverage under the qualified joint and survivor annuity prior to his or her annuity commencement date by revoking an election of an optional form of benefit under subsection (h).

(f) If a married participant with at least 1.5 years ~~5 years~~ of service dies prior to commencing retirement annuity payments and prior to taking a refund under Section 15-154, his or her eligible spouse is entitled to receive a pre-retirement survivor annuity, if there is not then in effect a waiver of the pre-retirement survivor annuity. The pre-retirement survivor annuity payable under this subsection shall be a monthly annuity payable for the eligible spouse's life, commencing as of the beginning of the month next following the later of the date of the participant's death or the date the participant would have first met the eligibility requirements for retirement, and continuing through the beginning of the month in which the death of the eligible spouse occurs. The monthly amount payable to the spouse under the pre-retirement survivor annuity shall be equal to the monthly amount that would be payable as a survivor annuity under the qualified joint and survivor annuity described in subsection (b) if: (1) in the case of a participant who dies on or after the date on which the participant has met the eligibility requirements for retirement, the participant had retired with an immediate qualified joint and survivor annuity on the day before the participant's date of death; or (2) in the case

of a participant who dies before the earliest date on which the participant would have met the eligibility requirements for retirement age, the participant had separated from service on the date of death, survived to the earliest retirement age based on service prior to his or her death, retired with an immediate qualified joint and survivor annuity at the earliest retirement age, and died on the day after the day on which the participant would have attained the earliest retirement age.

(g) A married participant who has not retired may elect at any time to waive the pre-retirement survivor annuity described in subsection (f). Any such election shall require the consent of the participant's eligible spouse in the manner described in subsection (e). A waiver of the pre-retirement survivor annuity shall increase the lump sum death benefit payable under subsection (b) of Section 15-141. Prior to electing any waiver of the pre-retirement survivor annuity, the participant shall be provided with a written explanation of (1) the terms and conditions of the pre-retirement survivor annuity and the death benefits payable from the system both with and without the pre-retirement survivor annuity, (2) the participant's right to elect a waiver of the pre-retirement survivor annuity coverage subject to his or her spouse's consent, and (3) the participant's right to reinstate pre-retirement survivor annuity coverage at any time by revoking a prior waiver of such coverage.

(h) By filing a timely election with the system, a participant who will be eligible to receive a retirement annuity under this Section may waive the normal form of annuity payment described in subsection (b), subject to obtaining the consent of his or her eligible spouse, if applicable, and elect to receive any one of the following optional ~~annuity~~ forms:

(1) Joint and Survivor Annuity Options: The participant may elect to receive a reduced annuity payable for his or her life and to have a lifetime survivorship annuity in a monthly amount equal to 50%, 75%, or 100% (as elected by the participant) of that reduced monthly amount, to be paid after the participant's death to his or her contingent annuitant, if the contingent annuitant is alive at the time of the participant's death.

(2) Single-Life Annuity Option (optional for married participants). The participant may elect to receive a single-life annuity payable for his or her life only.

(3) Lump sum retirement benefit. The participant may elect to receive a lump sum retirement benefit that is equal to the amount of a refund payable under Section 15-154(a-2).

All optional annuity forms shall be in an amount that is the actuarial equivalent of the single-life annuity.

For the purposes of this Section, the term "contingent annuitant" means the beneficiary who is designated by a participant at the time the participant elects a joint and survivor annuity to receive the lifetime survivorship annuity in the event the beneficiary survives the participant at the participant's death.

(i) Under no circumstances may an option be elected, changed, or revoked after the date the participant's retirement annuity

commences.

(j) An election made pursuant to subsection (h) shall become inoperative if the participant or the contingent annuitant dies before the date the participant's annuity payments commence, or if the eligible spouse's consent is required and not given.

(k) ~~(Blank). For purposes of applying the provisions of Section 20-123 of this Code, the portable benefit package shall be treated as if it were provided by a participating system that has no survivor's annuity benefit.~~

[Apr. 12, 2000]

---

151

(l) The automatic annual increases described in subsection (d) of Section 15-136 shall apply to retirement benefits under the portable benefit package and the automatic annual increases described in subsection (j) of Section 15-145 shall apply to survivor benefits under the portable benefit package.

(Source: P.A. 90-448, eff. 8-16-97; 90-766, eff. 8-14-98.)

(40 ILCS 5/15-139) (from Ch. 108 1/2, par. 15-139)

Sec. 15-139. Retirement annuities; cancellation; suspended during employment.

(a) If an annuitant returns to employment for an employer within 60 days after the beginning of the retirement annuity payment period, the retirement annuity shall be cancelled, and the annuitant shall refund to the System the total amount of the retirement annuity payments which he or she received. If the retirement annuity is cancelled, the participant shall continue to participate in the System.

(b) If an annuitant retires prior to age 60 and receives or becomes entitled to receive during any month compensation in excess of the monthly retirement annuity (including any automatic annual increases) for services performed after the date of retirement for any employer under this System, ~~the State Employees' Retirement System of Illinois, or the Teachers' Retirement System of the State of Illinois,~~ that portion of the monthly retirement annuity provided by employer contributions shall not be payable.

If an annuitant retires at age 60 or over and receives or becomes entitled to receive during any academic year compensation in excess of the difference between his or her highest annual earnings prior to retirement and his or her annual retirement annuity computed under Rule 1, Rule 2, Rule 3 or Rule 4 of Section 15-136, or under Section 15-136.4, for services performed after the date of retirement for any employer under this System, that portion of the monthly retirement annuity provided by employer contributions shall be reduced by an amount equal to the compensation that exceeds such difference.

However, any remuneration received for serving as a member of the Illinois Educational Labor Relations Board shall be excluded from "compensation" for the purposes of this subsection (b), and serving as a member of the Illinois Educational Labor Relations Board shall not be deemed to be a return to employment for the purposes of this Section. This provision applies without regard to whether service was terminated prior to the effective date of this amendatory Act of 1991.

(c) If an employer certifies that an annuitant has been

reemployed on a permanent and continuous basis or in a position in which the annuitant is expected to serve for at least 9 months, the annuitant shall resume his or her status as a participating employee and shall be entitled to all rights applicable to participating employees upon filing with the board an election to forego all annuity payments during the period of reemployment. Upon subsequent retirement, the retirement annuity shall consist of the annuity which was terminated by the reemployment, plus the additional retirement annuity based upon service granted during the period of reemployment, but the combined retirement annuity shall not exceed the maximum annuity applicable on the date of the last retirement.

The total service and earnings credited before and after the initial date of retirement shall be considered in determining eligibility of the employee or the employee's beneficiary to benefits under this Article, and in calculating final rate of earnings.

In determining the death benefit payable to a beneficiary of an annuitant who again becomes a participating employee under this Section, accumulated normal and additional contributions shall be

[Apr. 12, 2000]

---

152

considered as the sum of the accumulated normal and additional contributions at the date of initial retirement and the accumulated normal and additional contributions credited after that date, less the sum of the annuity payments received by the annuitant.

The survivors insurance benefits provided under Section 15-145 shall not be applicable to an annuitant who resumes his or her status as a participating employee, unless the annuitant, at the time of initial retirement, has a survivors insurance beneficiary who could qualify for such benefits.

If the annuitant's employment is terminated because of circumstances other than death before 9 months from the date of reemployment, the provisions of this Section regarding resumption of status as a participating employee shall not apply. The normal and survivors insurance contributions which are deducted during this period shall be refunded to the annuitant without interest, and subsequent benefits under this Article shall be the same as those which were applicable prior to the date the annuitant resumed employment.

The amendments made to this Section by this amendatory Act of the 91st General Assembly apply without regard to whether the annuitant was in service on or after the effective date of this amendatory Act.  
(Source: P.A. 86-1488.)

(40 ILCS 5/15-140) (from Ch. 108 1/2, par. 15-140)

Sec. 15-140. Reversionary annuities. A participant in the traditional benefit package entitled to a retirement annuity may, prior to retirement, elect to take a reduced retirement annuity and provide with the actuarial value of the reduction, a reversionary annuity to a dependent beneficiary, subject to the following conditions: (1) the participant's written notice of election to provide such annuity is received by the board at least 30 days before the retirement annuity payment period begins, and (2) the amount of the reversionary annuity is not less than \$10 per month, and (3) the reversionary annuity is payable only if the participant dies after

retirement.

The participant may revoke the election by filing a written notice of revocation with the board. The beneficiary's death prior to retirement of the participant shall constitute a revocation of the election.

The amount of the reversionary annuity shall be that specified in the participant's notice of election, but not more than the amount which when added to the survivors annuity payable to the dependent beneficiary, would equal the participant's reduced retirement annuity. The participant shall specify in the notice of election whether the full retirement annuity is to be resumed or the reduced retirement annuity is to be continued, in the event the beneficiary predeceases the annuitant.

The reversionary annuity payment period shall begin on the day following the annuitant's death. A reversionary annuity shall not be payable if the beneficiary predeceases the annuitant.

(Source: P.A. 84-1028.)

(40 ILCS 5/15-141) (from Ch. 108 1/2, par. 15-141)

Sec. 15-141. Death benefits - Death of participant.

(a) The beneficiary of a participant under the traditional benefit package is entitled to a death benefit equal to the sum of (1) the employee's accumulated normal and additional contributions on the date of death, (2) the employee's accumulated survivors insurance contributions on the date of death, if a survivors insurance benefit is not payable, (3) an amount equal to the employee's final rate of earnings, but not more than \$5,000 if (i) the beneficiary, under rules of the board, was dependent upon the participant, (ii) the

[Apr. 12, 2000]

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participant was a participating employee immediately prior to his or her death, and (iii) a survivors insurance benefit is not payable, and (4) \$2,500 if (i) the beneficiary was not dependent upon the participant, (ii) the participant was a participating employee immediately prior to his or her death, and (iii) a survivors insurance benefit is not payable.

(b) If the participant has elected to participate in the portable benefit package and has completed the one-year waiting period required under subsection (e) of Section 15-134.5, the death benefit shall be equal to the employee's accumulated normal and additional contributions on the date of death plus, if the employee died with 1.5 or 5-~~or~~ more years of service for employment as defined in Section 15-113.1, employer contributions in an amount equal to the sum of the accumulated normal and additional contributions; except that if a pre-retirement survivor annuity is payable under Section 15-136.4, the death benefit payable under this paragraph shall be reduced, but to not less than zero, by the actuarial value of the benefit payable to the surviving spouse. If the recipient of a pre-retirement survivor annuity dies before an amount equal to all accumulated normal and additional contributions as of the date of death have been paid out, the remaining difference shall be paid to the member's beneficiary. The primary beneficiary of the participant must be his or her spouse unless the spouse has consented to the designation of another beneficiary in the manner described in

subsection (d) of Section 15-136.4.

(c) If payments are made under any State or federal workers' compensation or occupational diseases law because of the death of an employee, the portion of the death benefit payable from employer contributions shall be reduced by the total amount of the payments. (Source: P.A. 90-448, eff. 8-16-97; 90-766, eff. 8-14-98.)

(40 ILCS 5/15-142) (from Ch. 108 1/2, par. 15-142)

Sec. 15-142. Death benefits - Death of annuitant. Upon the death of an annuitant receiving a retirement annuity or disability retirement annuity, the annuitant's beneficiary shall, if a survivor's insurance benefit is not payable under Section 15-145 and an a pre-retirement survivor annuity is not payable under Section 15-136.4, be entitled to a death benefit equal to the greater of the following: (1) the excess, if any, of the sum of the accumulated normal, survivors insurance, and additional contributions as of the date of retirement or the date the disability retirement annuity began, whichever is earlier, over the sum of all annuity payments made prior to the date of death, or (2) \$1,000.

(Source: P.A. 90-448, eff. 8-16-97; 90-766, eff. 8-14-98.)

(40 ILCS 5/15-144) (from Ch. 108 1/2, par. 15-144)

Sec. 15-144. Beneficiary annuities. This Section applies only to the death benefits of persons who became participants before August 22, 1997 (the effective date of Public Act 90-511).

If a deceased participant has specified in a written notice on file with the board prior to his or her death, or if the participant has not so specified, but the beneficiary specifies in the application for the death benefit that the benefit be paid as an annuity or as a designated cash payment plus an annuity, it shall be paid in the manner thus specified, unless the annuity is less than \$10 per month, in which case the death benefit shall be paid in a single cash sum. If the death benefit is paid as an annuity, the beneficiary may elect to take an amount not in excess of \$500 in a single cash sum. The annuity payable to a beneficiary shall be the actuarial equivalent of the death benefit, determined as of the participant's date of death, on the basis of the age of the beneficiary at that time.

[Apr. 12, 2000]

The beneficiary annuity payment period shall begin on the day following the death of the deceased and shall terminate on the date of the beneficiary's death. If the beneficiary may receive the death benefit in a single cash sum, but elects to receive an annuity, he or she may, within one year after the death of the participant or annuitant, revoke this election and receive in a single cash sum the excess of the amount of the death benefit upon which the annuity was based over the sum of the annuity payments received.

(Source: P.A. 83-1440.)

(40 ILCS 5/15-145) (from Ch. 108 1/2, par. 15-145)

Sec. 15-145. Survivors insurance benefits; conditions and amounts.

(a) The survivors insurance benefits provided under this Section shall be payable to the eligible survivors of a participant covered under the traditional benefit package upon the death of (1) a

participating employee with at least 1 1/2 years of service, (2) a participant who terminated employment with at least 10 years of service, and (3) an annuitant in receipt of a retirement annuity or disability retirement annuity under this Article.

Service under the State Employees' Retirement System of Illinois, the Teachers' Retirement System of the State of Illinois and the Public School Teachers' Pension and Retirement Fund of Chicago shall be considered in determining eligibility for survivors benefits under this Section.

If by law, a function of a governmental unit, as defined by Section 20-107, is transferred in whole or in part to an employer, and an employee transfers employment from this governmental unit to such employer within 6 months after the transfer of this function, the service credits in the governmental unit's retirement system which have been validated under Section 20-109 shall be considered in determining eligibility for survivors benefits under this Section.

(b) A surviving spouse of a deceased participant, or of a deceased annuitant who did not take a refund or additional annuity consisting of accumulated survivors insurance contributions ~~who had a survivors insurance beneficiary at the time of retirement,~~ shall receive a survivors annuity of 30% of the final rate of earnings. Payments shall begin on the day following the participant's or annuitant's death or the date the surviving spouse attains age 50, whichever is later, and continue until the death of the surviving spouse. The annuity shall be payable to the surviving spouse prior to attainment of age 50 if the surviving spouse has in his or her care a deceased participant's or annuitant's dependent unmarried child under age 18 (under age 22 if a full-time student) who is eligible for a survivors annuity. Remarriage of a surviving spouse prior to attainment of age 55 that occurs before the effective date of this amendatory Act of the 91st General Assembly shall disqualify him or her for the receipt of a survivors annuity.

(c) Each dependent unmarried child under age 18 (under age 22 if a full-time student) of a deceased participant, or of a deceased annuitant who did not take a refund or additional annuity consisting of accumulated survivors insurance contributions ~~who had a survivors insurance beneficiary at the time of his or her retirement,~~ shall receive a survivors annuity equal to the sum of (1) 20% of the final rate of earnings, and (2) 10% of the final rate of earnings divided by the number of children entitled to this benefit. Payments shall begin on the day following the participant's or annuitant's death and continue until the child marries, dies, or attains age 18 (age 22 if a full-time student). If the child is in the care of a surviving spouse who is eligible for survivors insurance benefits, the child's benefit shall be paid to the surviving spouse.

[Apr. 12, 2000]

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Each unmarried child over age 18 of a deceased participant or of a deceased annuitant who had a survivor's insurance beneficiary at the time of his or her retirement, and who was dependent upon the participant or annuitant by reason of a physical or mental disability which began prior to the date the child attained age 18 (age 22 if a full-time student), shall receive a survivor's annuity equal to the

sum of (1) 20% of the final rate of earnings, and (2) 10% of the final rate of earnings divided by the number of children entitled to survivors benefits. Payments shall begin on the day following the participant's or annuitant's death and continue until the child marries, dies, or is no longer disabled. If the child is in the care of a surviving spouse who is eligible for survivors insurance benefits, the child's benefit may be paid to the surviving spouse. For the purposes of this Section, disability means inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death or that has lasted or can be expected to last for a continuous period of at least one year.

(d) Each dependent parent of a deceased participant, or of a deceased annuitant who did not take a refund or additional annuity consisting of accumulated survivors insurance contributions who had a survivors insurance beneficiary at the time of his or her retirement, shall receive a survivors annuity equal to the sum of (1) 20% of final rate of earnings, and (2) 10% of final rate of earnings divided by the number of parents who qualify for the benefit. Payments shall begin when the parent reaches age 55 or the day following the participant's or annuitant's death, whichever is later, and continue until the parent dies. Remarriage of a parent prior to attainment of age 55 shall disqualify the parent for the receipt of a survivors annuity.

(e) In addition to the survivors annuity provided above, each survivors insurance beneficiary shall, upon death of the participant or annuitant, receive a lump sum payment of \$1,000 divided by the number of such beneficiaries.

(f) The changes made in this Section by Public Act 81-712 pertaining to survivors annuities in cases of remarriage prior to age 55 shall apply to each survivors insurance beneficiary who remarries after June 30, 1979, regardless of the date that the participant or annuitant terminated his employment or died.

The change made to this Section by this amendatory Act of the 91st General Assembly, pertaining to remarriage prior to age 55, applies without regard to whether the deceased participant or annuitant was in service on or after the effective date of this amendatory Act of the 91st General Assembly.

(g) On January 1, 1981, any person who was receiving a survivors annuity on or before January 1, 1971 shall have the survivors annuity then being paid increased by 1% for each full year which has elapsed from the date the annuity began. On January 1, 1982, any survivor whose annuity began after January 1, 1971, but before January 1, 1981, shall have the survivor's annuity then being paid increased by 1% for each year which has elapsed from the date the survivor's annuity began. On January 1, 1987, any survivor who began receiving a survivor's annuity on or before January 1, 1977, shall have the monthly survivor's annuity increased by \$1 for each full year which has elapsed since the date the survivor's annuity began.

(h) If the sum of the lump sum and total monthly survivor benefits payable under this Section upon the death of a participant amounts to less than the sum of the death benefits payable under items (2) and (3) of Section 15-141, the difference shall be paid in a lump sum to the beneficiary of the participant who is living on the

date that this additional amount becomes payable.

(i) If the sum of the lump sum and total monthly survivor benefits payable under this Section upon the death of an annuitant receiving a retirement annuity or disability retirement annuity amounts to less than the death benefit payable under Section 15-142, the difference shall be paid to the beneficiary of the annuitant who is living on the date that this additional amount becomes payable.

(j) Effective on the later of (1) January 1, 1990, or (2) the January 1 on or next after the date on which the survivor annuity begins, if the deceased member died while receiving a retirement annuity, or in all other cases the January 1 nearest the first anniversary of the date the survivor annuity payments begin, every survivors insurance beneficiary shall receive an increase in his or her monthly survivors annuity of 3%. On each January 1 after the initial increase, the monthly survivors annuity shall be increased by 3% of the total survivors annuity provided under this Article, including previous increases provided by this subsection. Such increases shall apply to the survivors insurance beneficiaries of each participant and annuitant, whether or not the employment status of the participant or annuitant terminates before the effective date of this amendatory Act of 1990. This subsection (j) also applies to persons receiving a survivor annuity under the portable benefit package.

(k) If the Internal Revenue Code of 1986, as amended, requires that the survivors benefits be payable at an age earlier than that specified in this Section the benefits shall begin at the earlier age, in which event, the survivor's beneficiary shall be entitled only to that amount which is equal to the actuarial equivalent of the benefits provided by this Section.

(l) The changes made to this Section and Section 15-131 by this amendatory Act of 1997, relating to benefits for certain unmarried children who are full-time students under age 22, apply without regard to whether the deceased member was in service on or after the effective date of this amendatory Act of 1997. These changes do not authorize the repayment of a refund or a re-election of benefits, and any benefit or increase in benefits resulting from these changes is not payable retroactively for any period before the effective date of this amendatory Act of 1997.

(Source: P.A. 90-448, eff. 8-16-97; 90-766, eff. 8-14-98.)

(40 ILCS 5/15-154) (from Ch. 108 1/2, par. 15-154)

Sec. 15-154. Refunds.

(a) A participant whose status as an employee is terminated, regardless of cause, or who has been on lay off status for more than 120 days, and who is not on leave of absence, is entitled to a refund of contributions upon application; except that not more than one such refund application may be made during any academic year.

Except as set forth in subsections (a-1) and (a-2), the refund shall be the sum of the accumulated normal, additional and survivors insurance contributions, less the amount of interest credited on these contributions each year in excess of 4 1/2% of the amount on which interest was calculated.

(a-1) A person who elects, in accordance with the requirements of Section 15-134.5, to participate in the portable benefit package and who becomes a participating employee under that retirement

program upon the conclusion of the one-year waiting period applicable to the portable benefit package election shall have his or her refund calculated in accordance with the provisions of subsection (a-2).

(a-2) The refund payable to a participant described in subsection (a-1) shall be the sum of the participant's accumulated normal and additional contributions, as defined in Sections 15-116

[Apr. 12, 2000]

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157

and 15-117. If the participant terminates with 5 or more years of service for employment as defined in Section 15-113.1, he or she shall also be entitled to a distribution of employer contributions in an amount equal to the sum of the accumulated normal and additional contributions, as defined in Sections 15-116 and 15-117.

(b) Upon acceptance of a refund, the participant forfeits all accrued rights and credits in the System, and if subsequently reemployed, the participant shall be considered a new employee subject to all the qualifying conditions for participation and eligibility for benefits applicable to new employees. If such person again becomes a participating employee and continues as such for 2 years, or is employed by an employer and participates for at least 2 years in the Federal Civil Service Retirement System, all such rights, credits, and previous status as a participant shall be restored upon repayment of the amount of the refund, together with compound interest thereon from the date the refund was received to the date of repayment at the rate of 6% per annum through August 31, 1982, and at the effective rates after that date.

(c) If a participant covered under the traditional transitional benefit package has made survivors insurance contributions, but has no survivors insurance beneficiary upon retirement, he or she shall be entitled to elect a refund of the accumulated survivors insurance contributions, or to elect an additional annuity the value of which is equal to the accumulated survivors insurance contributions. This election must be made prior to the date the person's retirement annuity is approved by the Board of Trustees.

(d) A participant, upon application, is entitled to a refund of his or her accumulated additional contributions attributable to the additional contributions described in the last sentence of subsection (c) of Section 15-157. Upon the acceptance of such a refund of accumulated additional contributions, the participant forfeits all rights and credits which may have accrued because of such contributions.

(e) A participant who terminates his or her employee status and elects to waive service credit under Section 15-154.2, is entitled to a refund of the accumulated normal, additional and survivors insurance contributions, if any, which were credited the participant for this service, or to an additional annuity the value of which is equal to the accumulated normal, additional and survivors insurance contributions, if any; except that not more than one such refund application may be made during any academic year. Upon acceptance of this refund, the participant forfeits all rights and credits accrued because of this service.

(f) If a police officer or firefighter receives a retirement annuity under Rule 1 or 3 of Section 15-136, he or she shall be

entitled at retirement to a refund of the difference between his or her accumulated normal contributions and the normal contributions which would have accumulated had such person filed a waiver of the retirement formula provided by Rule 4 of Section 15-136.

(g) If, at the time of retirement, a participant would be entitled to a retirement annuity under Rule 1, 2, 3 or 4 of Section 15-136, or under Section 15-136.4, that exceeds the maximum specified in clause (1) of subsection (c) of Section 15-136, he or she shall be entitled to a refund of the employee contributions, if any, paid under Section 15-157 after the date upon which continuance of such contributions would have otherwise caused the retirement annuity to exceed this maximum, plus compound interest at the effective rates.

(Source: P.A. 90-448, eff. 8-16-97; 90-576, eff. 3-31-98; 90-766, eff. 8-14-98.)

[Apr. 12, 2000]

---

158

(40 ILCS 5/15-158.2)

Sec. 15-158.2. Self-managed plan.

(a) Purpose. The General Assembly finds that it is important for colleges and universities to be able to attract and retain the most qualified employees and that in order to attract and retain these employees, colleges and universities should have the flexibility to provide a defined contribution plan as an alternative for eligible employees who elect not to participate in a defined benefit retirement program provided under this Article. Accordingly, the State Universities Retirement System is hereby authorized to establish and administer a self-managed plan, which shall offer participating employees the opportunity to accumulate assets for retirement through a combination of employee and employer contributions that may be invested in mutual funds, collective investment funds, or other investment products and used to purchase annuity contracts, either fixed or variable or a combination thereof. The plan must be qualified under the Internal Revenue Code of 1986.

(b) Adoption by employers. Each employer subject to this Article may elect to adopt the self-managed plan established under this Section; this election is irrevocable. An employer's election to adopt the self-managed plan makes available to the eligible employees of that employer the elections described in Section 15-134.5.

The State Universities Retirement System shall be the plan sponsor for the self-managed plan and shall prepare a plan document and prescribe such rules and procedures as are considered necessary or desirable for the administration of the self-managed plan. Consistent with its fiduciary duty to the participants and beneficiaries of the self-managed plan, the Board of Trustees of the System may delegate aspects of plan administration as it sees fit to companies authorized to do business in this State, to the employers, or to a combination of both.

(c) Selection of service providers and funding vehicles. The System, in consultation with the employers, shall solicit proposals to provide administrative services and funding vehicles for the self-managed plan from insurance and annuity companies and mutual

fund companies, banks, trust companies, or other financial institutions authorized to do business in this State. In reviewing the proposals received and approving and contracting with no fewer than 2 and no more than 7 companies, at least 2 of which must be insurance and annuity companies, the Board of Trustees of the System shall consider, among other things, the following criteria:

(1) the nature and extent of the benefits that would be provided to the participants;

(2) the reasonableness of the benefits in relation to the premium charged;

(3) the suitability of the benefits to the needs and interests of the participating employees and the employer;

(4) the ability of the company to provide benefits under the contract and the financial stability of the company; and

(5) the efficacy of the contract in the recruitment and retention of employees.

The System, in consultation with the employers, shall periodically review each approved company. A company may continue to provide administrative services and funding vehicles for the self-managed plan only so long as it continues to be an approved company under contract with the Board.

(d) Employee Direction. Employees who are participating in the program must be allowed to direct the transfer of their account balances among the various investment options offered, subject to

[Apr. 12, 2000]

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applicable contractual provisions. The participant shall not be deemed a fiduciary by reason of providing such investment direction. A person who is a fiduciary shall not be liable for any loss resulting from such investment direction and shall not be deemed to have breached any fiduciary duty by acting in accordance with that direction. Neither the System nor the employer guarantees any of the investments in the employee's account balances.

(e) Participation. An employee eligible to participate in the self-managed plan must make a written election in accordance with the provisions of Section 15-134.5 and the procedures established by the System. Participation in the self-managed plan by an electing employee shall begin on the first day of the first pay period following the later of the date the employee's election is filed with the System or the effective date as of which the employee's employer begins to offer participation in the self-managed plan. Employers may not make the self-managed plan available earlier than January 1, 1998. An employee's participation in any other retirement program administered by the System under this Article shall terminate on the date that participation in the self-managed plan begins.

An employee who has elected to participate in the self-managed plan under this Section must continue participation while employed in an eligible position, and may not participate in any other retirement program administered by the System under this Article while employed by that employer or any other employer that has adopted the self-managed plan, unless the self-managed plan is terminated in accordance with subsection (i).

Participation in the self-managed plan under this Section shall

constitute membership in the State Universities Retirement System.

A participant under this Section shall be entitled to the benefits of Article 20 of this Code, ~~modified to reflect the following principles:~~

~~(1) The amount of any retirement annuities payable under this Section depend solely on the value of the participant's vested account balances and are not subject to a maximum annuity benefit limitation or any adjustment pursuant to the proportional retirement annuity provisions of Article 20. If a participant in the self-managed plan under this Section elects to apply the provisions of Article 20, the dollar amount of the proportional retirement annuity payable from the System shall be deemed to be zero and the provisions of the second paragraph of Section 20-131 shall not apply with respect to the retirement annuity benefits payable to the participant under this Section.~~

~~(2) For purposes of Section 20-123 of this Code, the self-managed plan shall be treated as if it were provided by a participating system that has no survivor's annuity benefit.~~

~~(3) Notwithstanding Section 20-125 of this Code, upon reemployment by a participating system of a retired participant in the self-managed plan, the retirement annuity payment made to such participant from any annuity contracts acquired from the participant's self-managed plan account balances shall not be suspended.~~

(f) Establishment of Initial Account Balance. If at the time an employee elects to participate in the self-managed plan he or she has rights and credits in the System due to previous participation in the traditional benefit package, the System shall establish for the employee an opening account balance in the self-managed plan, equal to the amount of contribution refund that the employee would be eligible to receive under Section 15-154 if the employee terminated employment on that date and elected a refund of contributions, except that this hypothetical refund shall include interest at the effective

[Apr. 12, 2000]

rate for the respective years. The System shall transfer assets from the defined benefit retirement program to the self-managed plan, as a tax free transfer in accordance with Internal Revenue Service guidelines, for purposes of funding the employee's opening account balance.

(g) No Duplication of Service Credit. Notwithstanding any other provision of this Article, an employee may not purchase or receive service or service credit applicable to any other retirement program administered by the System under this Article for any period during which the employee was a participant in the self-managed plan established under this Section.

(h) Contributions. The self-managed plan shall be funded by contributions from employees participating in the self-managed plan and employer contributions as provided in this Section.

The contribution rate for employees participating in the self-managed plan under this Section shall be equal to the employee contribution rate for other participants in the System, as provided in Section 15-157. This required contribution shall be made as an

"employer pick-up" under Section 414(h) of the Internal Revenue Code of 1986 or any successor Section thereof. Any employee participating in the System's traditional benefit package prior to his or her election to participate in the self-managed plan shall continue to have the employer pick up the contributions required under Section 15-157. However, the amounts picked up after the election of the self-managed plan shall be remitted to and treated as assets of the self-managed plan. In no event shall an employee have an option of receiving these amounts in cash. Employees may make additional contributions to the self-managed plan in accordance with procedures prescribed by the System, to the extent permitted under rules prescribed by the System.

The program shall provide for employer contributions to be credited to each self-managed plan participant at a rate of 7.6% of the participating employee's salary, less the amount used by the System to provide disability benefits for the employee. The amounts so credited shall be paid into the participant's self-managed plan accounts in a manner to be prescribed by the System.

An amount of employer contribution, not exceeding 1% of the participating employee's salary, shall be used for the purpose of providing the disability benefits of the System to the employee. Prior to the beginning of each plan year under the self-managed plan, the Board of Trustees shall determine, as a percentage of salary, the amount of employer contributions to be allocated during that plan year for providing disability benefits for employees in the self-managed plan.

The State of Illinois shall make contributions by appropriations to the System of the employer contributions required for employees who participate in the self-managed plan under this Section. The amount required shall be certified by the Board of Trustees of the System and paid by the State in accordance with Section 15-165. The System shall not be obligated to remit the required employer contributions to any of the insurance and annuity companies, mutual fund companies, banks, trust companies, financial institutions, or other sponsors of any of the funding vehicles offered under the self-managed plan until it has received the required employer contributions from the State. In the event of a deficiency in the amount of State contributions, the System shall implement those procedures described in subsection (c) of Section 15-165 to obtain the required funding from the General Revenue Fund.

(i) Termination. The self-managed plan authorized under this Section may be terminated by the System, subject to the terms of any

[Apr. 12, 2000]

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relevant contracts, and the System shall have no obligation to reestablish the self-managed plan under this Section. This Section does not create a right to continued participation in any self-managed plan set up by the System under this Section. If the self-managed plan is terminated, the participants shall have the right to participate in one of the other retirement programs offered by the System and receive service credit in such other retirement program for any years of employment following the termination.

(j) Vesting; Withdrawal; Return to Service. A participant in

the self-managed plan becomes vested in the employer contributions credited to his or her accounts in the self-managed plan on the earliest to occur of the following: (1) completion of 5 years of service with an employer described in Section 15-106; (2) the death of the participating employee while employed by an employer described in Section 15-106, if the participant has completed at least 1 1/2 years of service; or (3) the participant's election to retire and apply the reciprocal provisions of Article 20 of this Code.

A participant in the self-managed plan who receives a distribution of his or her vested amounts from the self-managed plan while not yet eligible for retirement under this Article (and Article 20, if applicable) ~~upon or after termination of employment~~ shall forfeit all service credit and accrued rights in the System; if subsequently re-employed, the participant shall be considered a new employee. If a former participant again becomes a participating employee (or becomes employed by a participating system under Article 20 of this Code) and continues as such for at least 2 years, all such rights, service credits, and previous status as a participant shall be restored upon repayment of the amount of the distribution, without interest.

(k) Benefit amounts. If an employee who is vested in employer contributions terminates employment, the employee shall be entitled to a benefit which is based on the account values attributable to both employer and employee contributions and any investment return thereon.

If an employee who is not vested in employer contributions terminates employment, the employee shall be entitled to a benefit based solely on the account values attributable to the employee's contributions and any investment return thereon, and the employer contributions and any investment return thereon shall be forfeited. Any employer contributions which are forfeited shall be held in escrow by the company investing those contributions and shall be used as directed by the System for future allocations of employer contributions or for the restoration of amounts previously forfeited by former participants who again become participating employees.

(Source: P.A. 89-430, eff. 12-15-95; 90-448, eff. 8-16-97; 90-576, eff. 3-31-98; 90-766, eff. 8-14-98.)

(40 ILCS 5/15-181) (from Ch. 108 1/2, par. 15-181)

Sec. 15-181. Duties of employers.

(a) Each employer, in preparing payroll vouchers for participating employees, shall indicate, in addition to other information: (1) the amount of employee contributions and survivors insurance contributions required under Section 15-157, (2) the gross earnings payable to each employee, and (3) the total of all contributions required under Section 15-157. ~~An additional certified copy of each payroll certified by each employer shall be forwarded along with the original payroll to the Director of Central Management Services, State Comptroller, and other officer receiving the original certified payroll for transmittal to the board.~~

(b) Each employer, in drawing warrants or checks against trust or federal funds for items of salary on payroll vouchers certified by

[Apr. 12, 2000]

employers, shall draw such warrants or checks to participating employees for the amount of cash salary or wages specified for the period, and shall draw a warrant or check to this system for the total of the contributions required under Section 15-157. The warrant or check drawn to this system, together with the additional copy of the payroll supplied by the employer, shall be transmitted immediately to the board.

(c) The City of Champaign and the City of Urbana, as employers of persons who participate in this System pursuant to subsection (h) of Section 15-107, shall each collect and transmit to the System from each payroll the employee contributions required under Section 15-157, together with such payroll documentation as the Board may require, at the time that the payroll is paid.

(Source: P.A. 90-576, eff. 3-31-98.).

(40 ILCS 5/16-133) (from Ch. 108 1/2, par. 16-133)

Sec. 16-133. Retirement annuity; amount.

(a) The amount of the retirement annuity shall be the larger of the amounts determined under paragraphs (A) and (B) below:

(A) An amount consisting of the sum of the following:

(1) An amount that can be provided on an actuarially equivalent basis by the member's accumulated contributions at the time of retirement; and

(2) The sum of (i) the amount that can be provided on an actuarially equivalent basis by the member's accumulated contributions representing service prior to July 1, 1947, and (ii) the amount that can be provided on an actuarially equivalent basis by the amount obtained by multiplying 1.4 times the member's accumulated contributions covering service subsequent to June 30, 1947; and

(3) If there is prior service, 2 times the amount that would have been determined under subparagraph (2) of paragraph (A) above on account of contributions which would have been made during the period of prior service creditable to the member had the System been in operation and had the member made contributions at the contribution rate in effect prior to July 1, 1947.

(B) An amount consisting of the greater of the following:

(1) For creditable service earned before July 1, 1998 that has not been augmented under Section 16-129.1: 1.67% of final average salary for each of the first 10 years of creditable service, 1.90% of final average salary for each year in excess of 10 but not exceeding 20, 2.10% of final average salary for each year in excess of 20 but not exceeding 30, and 2.30% of final average salary for each year in excess of 30; and

For creditable service earned on or after July 1, 1998 by a member who has at least 24 years of creditable service on July 1, 1998 and who does not elect to augment service under Section 16-129.1: 2.2% of final average salary for each year of creditable service earned on or after July 1, 1998 but before the member reaches a total of 30 years of creditable service and 2.3% of final average salary for each year of creditable service earned on or after July 1, 1998 and after the member reaches a total of 30 years of creditable service; and

For all other creditable service: 2.2% of final average salary for each year of creditable service; or

(2) 1.5% of final average salary for each year of creditable service plus the sum \$7.50 for each of the first 20 years of creditable service.

[Apr. 12, 2000]

---

163

The amount of the retirement annuity determined under this paragraph (B) shall be reduced by 1/2 of 1% for each month that the member is less than age 60 at the time the retirement annuity begins. However, this reduction shall not apply (i) if the member has at least 35 years of creditable service, or (ii) if the member retires on account of disability under Section 16-149.2 of this Article with at least 20 years of creditable service.

(b) For purposes of this Section, final average salary shall be the average salary for the highest 4 consecutive years within the last 10 years of creditable service as determined under rules of the board. The minimum final average salary shall be considered to be \$2,400 per year.

In the determination of final average salary for members other than elected officials and their appointees when such appointees are allowed by statute, that part of a member's salary for any year beginning after June 30, 1979 which exceeds the member's annual full-time salary rate with the same employer for the preceding year by more than 20% shall be excluded. The exclusion shall not apply in any year in which the member's creditable earnings are less than 50% of the preceding year's mean salary for downstate teachers as determined by the survey of school district salaries provided in Section 2-3.103 of the School Code.

(c) In determining the amount of the retirement annuity under paragraph (B) of this Section, a fractional year shall be granted proportional credit.

(d) The retirement annuity determined under paragraph (B) of this Section shall be available only to members who render teaching service after July 1, 1947 for which member contributions are required, and to annuitants who re-enter under the provisions of Section 16-150.

(e) The maximum retirement annuity provided under paragraph (B) of this Section shall be 75% of final average salary.

(f) A member retiring after the effective date of this amendatory Act of 1998 shall receive a pension equal to 75% of final average salary if the member is qualified to receive a retirement annuity equal to at least 74.6% of final average salary under this Article or as proportional annuities under Article 20 of this Code.

(Source: P.A. 90-582, eff. 5-27-98; 91-17, eff. 6-4-99.)

(40 ILCS 5/16-135) (from Ch. 108 1/2, par. 16-135)

Sec. 16-135. Supplementary retirement annuity.

(a) An annuitant who is receiving a retirement annuity on June 30, 1961 of less than \$50 for each year of creditable service forming the basis of the retirement annuity shall have his or her retirement annuity increased to \$50 per year for each year of such creditable service, but not exceeding a total annual retirement annuity of \$2,250.

(b) In order to be entitled to the increase in retirement

annuity provided under this Section, an annuitant is required to make an additional contribution of \$5 for each year of creditable service, not to exceed 45 years together with interest at the rate of 3% per annum from August 25, 1961.

(c) The supplementary retirement annuity provided under this Section shall begin to accrue on the first of the month following receipt of the required contribution from the annuitant ~~and shall continue to be paid only to the extent that funds are available in the Supplementary Annuity Reserve established under Section 16-184.~~

(Source: P.A. 83-1440.)

(40 ILCS 5/16-136.4) (from Ch. 108 1/2, par. 16-136.4)  
Sec. 16-136.4. Single-sum retirement benefit.

[Apr. 12, 2000]

---

164

(a) A member who has less than 5 years of creditable service shall be entitled, upon written application to the board, to receive a retirement benefit payable in a single sum upon or after the member's attainment of age 65. However, the benefit shall not be paid while the member is employed as a teacher in the schools included under this Article or Article 17, unless the System is required by federal law to make payment due to the member's age.

(b) The retirement benefit shall consist of a single sum that is the actuarial equivalent of a life annuity consisting of 1.67% of the member's final average salary for each year of creditable service. In determining the amount of the benefit, a fractional year shall be granted proportional credit.

For the purposes of this Section, final average salary shall be the average salary of the member's highest 4 consecutive years of service as determined under rules of the board. For a member with less than 4 consecutive years of service, final average salary shall be the average salary during the member's entire period of service. In the determination of final average salary for members other than elected officials and their appointees when such appointees are allowed by statute, that part of a member's salary which exceeds the member's annual full-time salary rate with the same employer for the preceding year by more than 20% shall be excluded. The exclusion shall not apply in any year in which the member's creditable earnings are less than 50% of the preceding year's mean salary for downstate teachers as determined by the survey of school district salaries provided in Section 2-3.103 of the School Code.

(c) The retirement benefit determined under this Section shall be available to all members who render teaching service after July 1, 1947 for which member contributions are required.

(d) Upon acceptance of the retirement benefit, all of the member's accrued rights and credits in the System are forfeited. Receipt of a single-sum retirement benefit under this Section does not make a person an "annuitant" for the purposes of this Article, nor a "benefit recipient" for the purposes of Sections 16-153.1 through 16-153.4.

(Source: P.A. 87-11.)

(40 ILCS 5/16-138) (from Ch. 108 1/2, par. 16-138)

Sec. 16-138. Refund of contributions upon death of member or annuitant. Upon the death of a member or annuitant, the following

amount shall be payable (i) to a beneficiary, nominated by written designation of the member or annuitant filed with the system, or (ii) if no beneficiary is nominated, to the surviving spouse, or (iii) if no beneficiary is nominated and there is no surviving spouse, to the decedent's estate, upon receipt of proper proof of death:

(1) Upon the death of a member, an amount consisting of the sum of the following: (A) the member's accumulated contributions; (B) the sum of the contributions made by the member toward the cost of the automatic increase in annuity under Section 16-152, without interest thereon; and (C) contributions made by the member toward prior service, without interest thereon.

(2) Upon the death of an annuitant, unless a reversionary annuity is payable under Section 16-136, an amount determined by subtracting the total amount of monthly annuity payments received as a result of the deceased annuitant's retirement from the sum of: (A) the accumulated contributions at retirement; (B) the sum of the contributions made by the deceased toward the cost of the automatic increase in annuity under Section 16-151, without interest thereon; and (C) any contributions made by the deceased for prior service or other purposes, exclusive of contributions toward the cost of the automatic increase in annuity, without interest thereon.

[Apr. 12, 2000]

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(Source: P.A. 83-1440.)

(40 ILCS 5/16-140) (from Ch. 108 1/2, par. 16-140)

Sec. 16-140. Survivors' benefits - definitions.

(a) For the purpose of Sections 16-138 through 16-143.2, the following terms shall have the following meanings, unless the context otherwise requires:

(1) "Average salary": the average salary for the highest 4 consecutive years within the last 10 years of creditable service immediately preceding date of death or retirement, whichever is applicable, or the average salary for the total creditable service if service is less than 4 years.

(2) "Member": any teacher included in the membership of the system. However, a teacher who becomes an annuitant of the system or a teacher whose services terminate after 20 years of service from any cause other than retirement is considered a member, subject to the conditions and limitations stated in this Article.

(3) "Dependent beneficiary": (A) a surviving spouse of a member or annuitant who was married to the member or annuitant for the 12 month period immediately preceding and on the date of death of such member or annuitant, except where a child is born of such marriage, in which case the qualifying period shall not be applicable; (A-1) a surviving spouse of a member or annuitant who (i) was married to the member or annuitant on the date of the member or annuitant's death, (ii) was married to the member or annuitant for a period of at least 12 months (but not necessarily the 12 months immediately preceding the member or annuitant's death), and (iii) first applied for a survivor's benefit before April 1, 1997, and (iv) has not received a benefit under subsection (a) of Section 16-141 or paragraph (1) of Section

16-142; (B) an eligible child of a member or annuitant; and (C) a dependent parent.

Unless otherwise designated by the member, eligibility for benefits shall be in the order named, except that a dependent parent shall be eligible only if there is no other dependent beneficiary. Any benefit to be received by or paid to a dependent beneficiary to be determined under this paragraph as provided in Sections 16-141 and 16-142 may be received by or paid to a trust established for such dependent beneficiary if such dependent beneficiary is living at the time such benefit would be received by or paid to such trust.

(4) "Eligible child": an unmarried natural or adopted child of the member or annuitant under age 18 (age 22 if a full-time student). An unmarried natural or adopted child, regardless of age, who is dependent by reason of a physical or mental disability, except any such child receiving benefits under Article III of the Illinois Public Aid Code, is eligible for so long as such physical or mental disability continues. An adopted child, however, is eligible only if the proceedings for adoption were finalized while the child was a minor.

For purposes of this subsection, "disability" means an inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months.

The changes made to this Section by Public Act 90-448, relating to benefits for certain unmarried children who are full-time students under age 22, apply without regard to whether the deceased member was in service on or after the effective date

[Apr. 12, 2000]

of that Act. These changes do not authorize the repayment of a refund or a re-election of benefits, and any benefit or increase in benefits resulting from these changes is not payable retroactively for any period before the effective date of that Act.

(5) "Dependent parent": a parent who was receiving at least 1/2 of his or her support from a member or annuitant for the 12-month period immediately preceding and on the date of such member's or annuitant's death, provided however, that such dependent status terminates upon a member's acceptance of a refund for survivor benefit contributions as provided under Section 16-142.

(6) "Non-dependent beneficiary": any person, organization or other entity designated by the member who does not qualify as a dependent beneficiary.

(7) "In service": the condition of a member being in receipt of salary as a teacher at any time within 12 months immediately before his or her death, being on leave of absence for which the member, upon return to teaching, would be eligible to purchase service credit under subsection (b)(5) of Section 16-127, or being in receipt of a disability or occupational

disability benefit. This term does not include any annuitant or member who previously accepted a refund of survivor benefit contributions under paragraph (1) of Section 16-142 unless the conditions specified in subsection (b) of Section 16-143.2 are met.

(b) The change to this Section made by Public Act 90-511 applies without regard to whether the deceased member or annuitant was in service on or after the effective date of that Act.

The change to this Section made by this amendatory Act of the 91st General Assembly applies without regard to whether the deceased member or annuitant was in service on or after the effective date of this amendatory Act.

(Source: P.A. 89-430, eff. 12-15-95; 90-448, eff. 8-16-97; 90-511, eff. 8-22-97; 90-655, eff. 7-30-98.)

(40 ILCS 5/16-143) (from Ch. 108 1/2, par. 16-143)

Sec. 16-143. Survivors' benefits - other conditions and limitations. The benefits provided under Sections 16-141 and 16-142, shall be subject to the following further conditions and limitations:

(1) The period during which a member was in receipt of a disability or occupational disability benefit shall be considered as creditable service at the annual salary rate on which the member last made contributions.

(2) All service prior to July 24, 1959, for which creditable service is granted towards a retirement annuity shall be considered as creditable service.

(3) No benefits shall be payable unless a member, or a disabled member, returning to service, has made contributions to the system for at least one month after July 24, 1959, except that an annuitant must have contributed to the system for at least 1 year of creditable service after July 24, 1959.

(4) Creditable service under the State Employees' Retirement System of Illinois, the State Universities Retirement System and the Public School Teachers' Pension and Retirement Fund of Chicago shall be considered in determining whether the member has met the creditable service requirement.

(5) If an eligible beneficiary qualifies for a survivors' benefit because of pension credits established by the participant or annuitant in another system covered by Article 20, and the combined survivors' benefits exceed the highest survivors' benefit payable by

[Apr. 12, 2000]

either system based upon the combined pension credits, the survivors' benefit payable by this system shall be reduced to that amount which when added to the survivors' benefit payable by the other system would equal this highest survivors' benefit. If the other system has a similar provision for adjustment of the survivors' benefit, the respective proportional survivors' benefits shall be reduced proportionately according to the ratio which the amount of each proportional survivors' benefit bears to the aggregate of all proportional survivors' benefits. If a survivors' benefit is payable by another system covered by Article 20, and the survivor elects to waive the monthly survivors' benefit and accept a lump sum payment or death benefit in lieu of the monthly survivors' benefit, this system

shall, for the purpose of adjusting the monthly survivors' benefit under this paragraph, assume that the survivor had been entitled to a monthly survivors' benefit which, in accordance with actuarial tables of this system, is the actuarial equivalent of the amount of the lump sum payment or death benefit.

(6) Remarriage of a surviving spouse prior to attainment of age 55 that occurs before the effective date of this amendatory Act of the 91st General Assembly shall terminate his or her survivors' benefits.

The change made to this item (6) by this amendatory Act of the 91st General Assembly applies without regard to whether the deceased member or annuitant was in service on or after the effective date of this amendatory Act of the 91st General Assembly.

(7) The benefits payable to an eligible child shall terminate when the eligible child marries, dies, or attains age 18 (age 22 if a full-time student); except that benefits payable to a dependent disabled eligible child shall terminate only when the eligible child dies or ceases to be disabled.

(Source: P.A. 90-448, eff. 8-16-97.)

(40 ILCS 5/16-149.4) (from Ch. 108 1/2, par. 16-149.4)

Sec. 16-149.4. Supplementary disability retirement annuity.

(a) An annuitant receiving a disability retirement annuity on June 30, 1961 of less than \$50 for each year of creditable service forming the basis of the disability retirement annuity shall have his or her disability retirement annuity increased to \$50 per year for each year of such creditable service, with a minimum annuity of \$1,000 per year.

(b) In order to be entitled to the increase in disability retirement annuity provided under this Section, an annuitant is required to make an additional contribution of \$5 for each year of creditable service, together with interest at the rate of 3% per annum from August 25, 1961.

(c) The supplementary retirement annuity provided under this Section shall begin to accrue on the first of the month following receipt of the required contributions from the annuitant ~~and shall continue to be paid only to the extent that funds are available in the Supplementary Annuity Reserve established under Section 16-184.~~

(Source: P.A. 83-1440.)

(40 ILCS 5/16-184) (from Ch. 108 1/2, par. 16-184)

Sec. 16-184. Supplementary Annuity Reserve.

(a) Except as provided in subsection (b), a reserve to be known as the Supplementary Annuity Reserve is established for the purpose of crediting funds received and charging disbursements made for supplementary annuities under Section 16-135 and Section 16-149.4.

This Reserve shall be credited with:

(1) The total of all contributions made by annuitants to qualify for supplementary annuities.

(2) Amounts contributed to the System by the State of

[Apr. 12, 2000]

Illinois that are sufficient to assure payment of the supplementary annuities.

(3) Regular interest computed annually on the average

balance in this reserve.

This Reserve shall be charged with all supplemental annuity payments under Section 16-135 and Section 16-149.4.

(b) On the July 1 next occurring after the effective date of this amendatory Act of the 91st General Assembly, the Supplemental Annuity Reserve is abolished and any remaining balance After all supplementary annuity payments have been completed, any remaining funds shall be transferred from that this Reserve to the Employer's Contribution Reserve.

(Source: P.A. 88-593, eff. 8-22-94.)

(40 ILCS 5/17-106) (from Ch. 108 1/2, par. 17-106)

Sec. 17-106. Contributor, member or teacher. "Contributor", "member" or "teacher": All members of the teaching force of the city, including principals, assistant principals, the general superintendent of schools, deputy superintendents of schools, associate superintendents of schools, assistant and district superintendents of schools, members of the Board of Examiners, all other persons whose employment requires a teaching certificate issued under the laws governing the certification of teachers, any educational, administrative, professional, or other staff employed in a charter school operating in compliance with the Charter Schools Law who is certified under the law governing the certification of teachers, and employees of the Board, but excluding persons contributing concurrently to any other public employee pension system in Illinois for the same employment or receiving retirement pensions under another Article of this Code for that same employment (~~unless the person's eligibility to participate in that other pension system arises from the holding of an elective public office, and the person has held that public office for at least 10 years~~), persons employed on an hourly basis, and persons receiving pensions from the Fund who are employed temporarily by an Employer for 100 days or less in any school year and not on an annual basis.

In the case of a person who has been making contributions and otherwise participating in this Fund prior to the effective date of this amendatory Act of the 91st General Assembly 1991, and whose right to participate in the Fund is established or confirmed by this amendatory Act, such prior participation in the Fund, including all contributions previously made and service credits previously earned by the person, are hereby validated.

(Source: P.A. 89-450, eff. 4-10-96; 90-32, eff. 6-27-97; 90-566, eff. 1-2-98.)

(40 ILCS 5/17-117) (from Ch. 108 1/2, par. 17-117)

Sec. 17-117. Disability retirement pension.

(a) The conditions prescribed in items 1 and 2 in Section 17-116 for computing service retirement pensions shall apply in the computation of disability retirement pensions.

(1) Each teacher retired or retiring after 10 years of service and with less than 20 years of service because of permanent disability not incurred as a proximate result of the performance of duty shall receive a disability retirement pension equal to 2.2% of average salary for each year of service after June 30, 1998 and for each year of service on or before that date that has been augmented under Section 17-119.1 and 1 2/3% of average salary for each year of other service.

(2) If the total service is 20 years and less than 25 years and the teacher's age is under 55, the disability retirement pension shall equal a service retirement pension discounted 1/2

of 1% for each month the age of the contributor is less than 55 down to a minimum age of 50 years, provided the disability retirement pension so computed shall not be less than the amount payable under paragraph 1.

(3) If the total service is 20 years or more and the teacher has attained age 55, and is under age 60, a disability retirement pension shall equal a service retirement pension without discount.

(4) If the total service is 25 years or more regardless of age, a disability pension shall equal a service retirement pension without discount.

(5) If the total service is 20 years or more and the teacher is age 60 or over, a service retirement pension shall be payable.

(b) For disability retirement pensions, the following further conditions shall apply:

(1) Written application shall be submitted within 3 years from the date of separation.

(2) The applicant shall submit to examination by physicians appointed by the Board within one year from the date of their appointment.

(3) Two physicians, appointed by the Board, shall declare the applicant to be suffering from a disability which wholly and presumably permanently incapacitates him for teaching or for service as an employee of the Board. In the event of disagreement by the physicians, a third physician, appointed by the Board, shall declare the applicant wholly and presumably permanently incapacitated.

(c) Disability retirement pensions shall begin on the effective date of resignation or the day following the close of the payroll period for which credit was validated, whichever is later.

(Source: P.A. 90-32; eff. 6-27-97; 90-566, eff. 1-2-98.)

(40 ILCS 5/17-133) (from Ch. 108 1/2, par. 17-133)

Sec. 17-133. Contributions for periods of outside and other service. Regularly certified and appointed teachers who desire to have the following described services credited for pension purposes shall submit to the Board evidence thereof and pay into the Fund the amounts prescribed herein:

1. For teaching service by a certified teacher in the public schools of the several states or in schools operated by or under the auspices of the United States, a teacher shall pay the contributions at the rates in force (a) on the date of appointment as a regularly certified teacher after salary adjustments are completed, or (b) at the time of reappointment after salary adjustments are completed, whichever is later, but not less than \$450 per year of service. Upon the Board's approval of such service and the payment of the required contributions, service credit of not more than 10 years shall be granted.

2. For service as a playground instructor in public school playgrounds, teachers shall pay the contributions prescribed in

this Article (a) at the time of appointment, as a regularly certified teacher after salary adjustments are completed, or (b) on return to service as a full time regularly certified teacher, as the case may be, provided such rates or amounts shall not be less than \$450 per year.

3. For service prior to September 1, 1955, in the public schools of the City as a substitute, evening school or temporary teacher, or for service as an Americanization teacher prior to December 31, 1955, teachers shall pay the contributions

[Apr. 12, 2000]

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170

prescribed in this Article (a) at the time of appointment, as a regularly certified teacher after salary adjustments are completed, (b) on return to service as a full time regularly certified teacher, as the case may be, provided such rates or amounts shall not be less than \$450 per year; and provided further that for teachers employed on or after September 1, 1953, rates shall not include contributions for widows' pensions if the service described in this sub-paragraph 3 was rendered before that date. Any teacher entitled to repay a refund of contributions under Section ~~17-126~~ ~~126~~ of this Article may validate service described in this paragraph by payment of the amounts prescribed herein, together with the repayment of the refund, provided that if such creditable service was the last service rendered in the public schools of the City and is not automatically reinstated by repayment of the refund, the rates or amounts shall not be less than \$450 per year.

4. For service after June 30, 1982 as a member of the Board of Education, if required to resign from an administrative or teaching position in order to qualify as a member of the Board of Education.

5. For service during the 1986-87 school year as a teacher on a special leave of absence with full loss of salary, teaching for an agency under contract to the Board of Education, if the teacher returned to employment in September, 1987. For service under this item 5, the teacher must pay the contributions at the rates in force at the completion of the leave period.

For service described in sub-paragraphs 1, 2 and 3 of this Section, interest shall be charged beginning one year after the effective date of appointment or reappointment.

Effective September 1, 1974, the interest rate to be charged by the Fund on contributions provided in sub-paragraphs 1, 2, 3 and 4 shall be 5% per annum compounded annually.

(Source: P.A. 90-566, eff. 1-2-98.)

(40 ILCS 5/17-150) (from Ch. 108 1/2, par. 17-150)

Sec. 17-150. Suspension of pensions. Until July 1, 2000, pension payments, exclusive of those made to the survivors of persons who were contributors, shall be suspended while the recipient is employed in a teaching capacity, outside the City in which the Fund exists, by any public school or charter school in this State, unless the recipient is so employed temporarily as a substitute teacher for 100 days or less in a school year or on an hourly basis with earnings not in excess of the sum payable for 100 days' substitute service.

Beginning July 1, 2000, pension payments shall no longer be suspended while the recipient is employed in a teaching capacity, outside the City in which the Fund exists, by any public school or charter school in this State, and any pension that is in a state of suspension under this Section on July 1, 2000 shall be reinstated on that date. Notwithstanding Section 17-157, the change to this Section made by this amendatory Act of the 91st General Assembly applies without regard to whether or not the pensioner was in service on or after the effective date of this amendatory Act.

(Source: P.A. 90-566, eff. 1-2-98.)

(40 ILCS 5/18-128) (from Ch. 108 1/2, par. 18-128)

Sec. 18-128. Survivor's annuities; Conditions for payment.

(a) A survivor's annuity shall be payable upon the death of a participant while in service after June 30, 1967 if the participant had at least 1 1/2 years of service credit as a judge, or upon death of an inactive participant who had terminated service as a judge on or after June 30, 1967 with at least 10 years of service credit, or upon the death of an annuitant whose retirement becomes effective

[Apr. 12, 2000]

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171

after June 30, 1967.

(b) The surviving spouse of a deceased participant or annuitant is entitled to a survivor's annuity beginning at the date of death if the surviving spouse (1) has been married to the participant or annuitant for a continuous period of at least one year immediately preceding the date of death, and (2) has attained age 50, or, regardless of age, has in his or her care an eligible child or children of the decedent as provided under subsections (c) and (d) of this Section. If the surviving spouse has no such child in his or her care and has not attained age 50, the survivor's annuity shall begin upon attainment of age 50. When all such children of the deceased who are in the care of the surviving spouse no longer qualify for benefits and the surviving spouse is under 50 years of age, the surviving spouse's annuity shall be suspended until he or she attains age 50.

(c) A child's annuity is payable for an unmarried child of an annuitant or participant so long as the child is (i) under age 18, (ii) under age 22 and a full time student, or (iii) age 18 or over if dependent by reason of physical or mental disability. Disability means inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months.

(d) Adopted children shall have the same status as natural children, but only if the proceedings for adoption were commenced at least 6 months prior to the death of the annuitant or participant.

(e) Remarriage prior to attainment of age 50 that occurs before the effective date of this amendatory Act of the 91st General Assembly shall disqualify a surviving spouse for the receipt of a survivor's annuity.

The change made to this subsection by this amendatory Act of the 91st General Assembly applies without regard to whether the deceased judge was in service on or after the effective date of this

amendatory Act of the 91st General Assembly.

(f) The changes made in survivor's annuity provisions by Public Act 82-306 shall apply to the survivors of a deceased participant or annuitant whose death occurs on or after August 21, 1981 and whose service as a judge terminates on or after July 1, 1967.

The provision of child's annuities for dependent students under age 22 by this amendatory Act of 1991 shall apply to all eligible students beginning January 1, 1992, without regard to whether the deceased judge was in service on or after the effective date of this amendatory Act.

(Source: P.A. 87-794.)

(40 ILCS 5/20-121) (from Ch. 108 1/2, par. 20-121)

Sec. 20-121. Calculation of proportional retirement annuities. Upon retirement of the employee, a proportional retirement annuity shall be computed by each participating system in which pension credit has been established on the basis of pension credits under each system. The computation shall be in accordance with the formula or method prescribed by each participating system which is in effect at the date of the employee's latest withdrawal from service covered by any of the systems in which he has pension credits which he elects to have considered under this Article. However, the amount of any retirement annuity payable under the self-managed plan established under Section 15-158.2 of this Code depends solely on the value of the participant's vested account balances and is not subject to any proportional adjustment under this Section.

Combined pension credit under all retirement systems subject to this Article shall be considered in determining whether the minimum

[Apr. 12, 2000]

qualification has been met and the formula or method of computation which shall be applied. If a system has a step-rate formula for calculation of the retirement annuity, pension credits covering previous service which have been established under another system shall be considered in determining which range or ranges of the step-rate formula are to be applicable to the employee.

Interest on pension credit shall continue to accumulate in accordance with the provisions of the law governing the retirement system in which the same has been established during the time an employee is in the service of another employer, on the assumption such employee, for interest purposes for pension credit, is continuing in the service covered by such retirement system.

(Source: P.A. 79-782.)

(40 ILCS 5/20-123) (from Ch. 108 1/2, par. 20-123)

Sec. 20-123. Survivor's annuity. The provisions governing a retirement annuity shall be applicable to a survivor's annuity. Appropriate credits shall be established for survivor's annuity purposes in those participating systems which provide survivor's annuities, according to the same conditions and subject to the same limitations and restrictions herein prescribed for a retirement annuity. If a participating system has no survivor's annuity benefit, or if the survivor's annuity benefit under that system is waived, pension credit established in that ~~this~~ system shall not be considered in determining eligibility for or the amount of the

survivor's annuity which may be payable by any other participating system.

For persons who participate in the self-managed plan established under Section 15-158.2 or the portable benefit package established under Section 15-136.4, pension credit established under Article 15 may be considered in determining eligibility for or the amount of the survivor's annuity that is payable by any other participating system, but pension credit established in any other system shall not result in any right to a survivor's annuity under the Article 15 system.

(Source: P.A. 79-782.)

(40 ILCS 5/20-124) (from Ch. 108 1/2, par. 20-124)

Sec. 20-124. Maximum benefits. In no event shall the combined retirement or survivors annuities exceed the highest annuity which would have been payable by any participating system in which the employee has pension credits, if all of his pension credits had been validated in that system.

If the combined annuities should exceed the highest maximum as determined in accordance with this Section, the respective annuities shall be reduced proportionately according to the ratio which the amount of each proportional annuity bears to the aggregate of all such annuities.

In the case of a participant in the self-managed plan established under Section 15-158.2 of this Code to whom the provisions of this Article apply:

(i) For purposes of calculating the combined retirement annuity and the proportionate reduction, if any, in a retirement annuity other than one payable under the self-managed plan, the amount of the Article 15 retirement annuity shall be deemed to be the highest annuity to which the annuitant would have been entitled if he or she had participated in the traditional benefit package as defined in Section 15-103.1 rather than the self-managed plan.

(ii) For purposes of calculating the combined survivor's annuity and the proportionate reduction, if any, in a survivor's annuity other than one payable under the self-managed plan, the amount of the Article 15 survivor's annuity shall be deemed to be

[Apr. 12, 2000]

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the highest survivor's annuity to which the survivor would have been entitled if the deceased employee had participated in the traditional benefit package as defined in Section 15-103.1 rather than the self-managed plan.

(iii) Benefits payable under the self-managed plan are not subject to proportionate reduction under this Section.

(Source: P.A. 79-782.)

(40 ILCS 5/20-125) (from Ch. 108 1/2, par. 20-125)

Sec. 20-125. Return to employment - suspension of benefits. If a retired employee returns to employment which is covered by a system from which he is receiving a proportional annuity under this Article, his proportional annuity from all participating systems shall be suspended during the period of re-employment, except that this suspension does not apply to any distributions payable under the self-managed plan established under Section 15-158.2 of this Code.

The provisions of the Article under which such employment would be covered shall govern the determination of whether the employee has returned to employment, and if applicable the exemption of temporary employment or employment not exceeding a specified duration or frequency, for all participating systems from which the retired employee is receiving a proportional annuity under this Article, notwithstanding any contrary provisions in the other Articles governing such systems.

(Source: P.A. 85-1008.)

(40 ILCS 5/20-131) (from Ch. 108 1/2, par. 20-131)

Sec. 20-131. Retirement Annuities and Survivors Annuities - Guarantees.

(a) This amendatory Act of 1975 (P.A. 79-782) shall not be applied to deprive any person or his survivor of eligibility for an annuity or to reduce the annuity or to deprive such person of rights to which he or his survivor would have been entitled under the provisions of Article 20 which were in effect immediately prior to September 5, 1975, if he was an employee immediately prior to that date.

(b) If the combined retirement annuity benefits provided under Public Act 79-782 are less than the combined retirement annuity benefits that would have been payable under the alternative formula of Section 20-122, the system under which retirement would have occurred, as provided by Section 20-122, shall increase the proportional retirement annuity by an amount equal to the difference.

(c) Subsection (b) of this Section does not apply to the retirement annuity benefits payable under the self-managed plan established under Section 15-158.2 of this Code.

(Source: P.A. 86-820.)

(40 ILCS 5/15-158.1 rep.)

Section 15. The Illinois Pension Code is amended by repealing Section 15-158.1.

Section 95. The State Mandates Act is amended by adding Section 8.24 as follows:

(30 ILCS 805/8.24 new)

Sec. 8.24. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 91st General Assembly.

Section 99. Effective date. This Act takes effect upon becoming law."

The motion prevailed and the amendment was adopted and ordered printed.

Senator Maitland offered the following amendment and moved its

[Apr. 12, 2000]

adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 1583, AS AMENDED, by inserting after the end of Section 15 the following:

"Section 20. The Illinois Pension Code is amended by changing

Sections 15-136, 15-136.2, and 15-185 as follows:

(40 ILCS 5/15-136) (from Ch. 108 1/2, par. 15-136)

Sec. 15-136. Retirement annuities - Amount. The provisions of this Section 15-136 apply only to those participants who are participating in the traditional benefit package or the portable benefit package and do not apply to participants who are participating in the self-managed plan.

(a) The amount of a participant's retirement annuity, expressed in the form of a single-life annuity, shall be determined by whichever of the following rules is applicable and provides the largest annuity:

Rule 1: The retirement annuity shall be 1.67% of final rate of earnings for each of the first 10 years of service, 1.90% for each of the next 10 years of service, 2.10% for each year of service in excess of 20 but not exceeding 30, and 2.30% for each year in excess of 30; or for persons who retire on or after January 1, 1998, 2.2% of the final rate of earnings for each year of service.

Rule 2: The retirement annuity shall be the sum of the following, determined from amounts credited to the participant in accordance with the actuarial tables and the prescribed rate of interest in effect at the time the retirement annuity begins:

(i) the normal annuity which can be provided on an actuarially equivalent basis, by the accumulated normal contributions as of the date the annuity begins; and

(ii) an annuity from employer contributions of an amount equal to that which can be provided on an actuarially equivalent basis from the accumulated normal contributions made by the participant under Section 15-113.6 and Section 15-113.7 plus 1.4 times all other accumulated normal contributions made by the participant.

With respect to a police officer or firefighter who retires on or after August 14, ~~the effective date of this amendatory Act of 1998~~, the accumulated normal contributions taken into account under clauses (i) and (ii) of this Rule 2 shall include the additional normal contributions made by the police officer or firefighter under Section 15-157(a).

The amount of a retirement annuity calculated under this Rule 2 shall be computed solely on the basis of the participant's accumulated normal contributions, as specified in this Rule and defined in Section 15-116. Neither an employee or employer contribution for early retirement under Section 15-136.2 nor any other employer contribution shall be used in the calculation of the amount of a retirement annuity under this Rule 2.

This amendatory Act of the 91st General Assembly is a clarification of existing law and applies to every participant and annuitant without regard to whether status as an employee terminates before the effective date of this amendatory Act.

Rule 3: The retirement annuity of a participant who is employed at least one-half time during the period on which his or her final rate of earnings is based, shall be equal to the participant's years of service not to exceed 30, multiplied by (1) \$96 if the participant's final rate of earnings is less than \$3,500, (2) \$108 if the final rate of earnings is at least \$3,500 but less than \$4,500, (3) \$120 if the final rate of earnings is at least \$4,500 but less

[Apr. 12, 2000]

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than \$5,500, (4) \$132 if the final rate of earnings is at least \$5,500 but less than \$6,500, (5) \$144 if the final rate of earnings is at least \$6,500 but less than \$7,500, (6) \$156 if the final rate of earnings is at least \$7,500 but less than \$8,500, (7) \$168 if the final rate of earnings is at least \$8,500 but less than \$9,500, and (8) \$180 if the final rate of earnings is \$9,500 or more, except that the annuity for those persons having made an election under Section 15-154(a-1) shall be calculated and payable under the portable retirement benefit program pursuant to the provisions of Section 15-136.4.

Rule 4: A participant who is at least age 50 and has 25 or more years of service as a police officer or firefighter, and a participant who is age 55 or over and has at least 20 but less than 25 years of service as a police officer or firefighter, shall be entitled to a retirement annuity of 2 1/4% of the final rate of earnings for each of the first 10 years of service as a police officer or firefighter, 2 1/2% for each of the next 10 years of service as a police officer or firefighter, and 2 3/4% for each year of service as a police officer or firefighter in excess of 20. The retirement annuity for all other service shall be computed under Rule 1.

For purposes of this Rule 4, a participant's service as a firefighter shall also include the following:

(i) service that is performed while the person is an employee under subsection (h) of Section 15-107; and

(ii) in the case of an individual who was a participating employee employed in the fire department of the University of Illinois's Champaign-Urbana campus immediately prior to the elimination of that fire department and who immediately after the elimination of that fire department transferred to another job with the University of Illinois, service performed as an employee of the University of Illinois in a position other than police officer or firefighter, from the date of that transfer until the employee's next termination of service with the University of Illinois.

(b) The retirement annuity provided under Rules 1 and 3 above shall be reduced by 1/2 of 1% for each month the participant is under age 60 at the time of retirement. However, this reduction shall not apply in the following cases:

(1) For a disabled participant whose disability benefits have been discontinued because he or she has exhausted eligibility for disability benefits under clause (6) of Section 15-152;

(2) For a participant who has at least the number of years of service required to retire at any age under subsection (a) of Section 15-135; or

(3) For that portion of a retirement annuity which has been provided on account of service of the participant during periods when he or she performed the duties of a police officer or firefighter, if these duties were performed for at least 5 years immediately preceding the date the retirement annuity is to begin.

(c) The maximum retirement annuity provided under Rules 1, 2, and 4 shall be the lesser of (1) the annual limit of benefits as

specified in Section 415 of the Internal Revenue Code of 1986, as such Section may be amended from time to time and as such benefit limits shall be adjusted by the Commissioner of Internal Revenue, and (2) 80% of final rate of earnings.

(d) An annuitant whose status as an employee terminates after August 14, 1969 shall receive automatic increases in his or her

[Apr. 12, 2000]

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retirement annuity as follows:

Effective January 1 immediately following the date the retirement annuity begins, the annuitant shall receive an increase in his or her monthly retirement annuity of 0.125% of the monthly retirement annuity provided under Rule 1, Rule 2, Rule 3, or Rule 4, contained in this Section, multiplied by the number of full months which elapsed from the date the retirement annuity payments began to January 1, 1972, plus 0.1667% of such annuity, multiplied by the number of full months which elapsed from January 1, 1972, or the date the retirement annuity payments began, whichever is later, to January 1, 1978, plus 0.25% of such annuity multiplied by the number of full months which elapsed from January 1, 1978, or the date the retirement annuity payments began, whichever is later, to the effective date of the increase.

The annuitant shall receive an increase in his or her monthly retirement annuity on each January 1 thereafter during the annuitant's life of 3% of the monthly annuity provided under Rule 1, Rule 2, Rule 3, or Rule 4 contained in this Section. The change made under this subsection by P.A. 81-970 is effective January 1, 1980 and applies to each annuitant whose status as an employee terminates before or after that date.

Beginning January 1, 1990, all automatic annual increases payable under this Section shall be calculated as a percentage of the total annuity payable at the time of the increase, including all increases previously granted under this Article.

The change made in this subsection by P.A. 85-1008 is effective January 26, 1988, and is applicable without regard to whether status as an employee terminated before that date.

(e) If, on January 1, 1987, or the date the retirement annuity payment period begins, whichever is later, the sum of the retirement annuity provided under Rule 1 or Rule 2 of this Section and the automatic annual increases provided under the preceding subsection or Section 15-136.1, amounts to less than the retirement annuity which would be provided by Rule 3, the retirement annuity shall be increased as of January 1, 1987, or the date the retirement annuity payment period begins, whichever is later, to the amount which would be provided by Rule 3 of this Section. Such increased amount shall be considered as the retirement annuity in determining benefits provided under other Sections of this Article. This paragraph applies without regard to whether status as an employee terminated before the effective date of this amendatory Act of 1987, provided that the annuitant was employed at least one-half time during the period on which the final rate of earnings was based.

(f) A participant is entitled to such additional annuity as may be provided on an actuarially equivalent basis, by any accumulated

additional contributions to his or her credit. However, the additional contributions made by the participant toward the automatic increases in annuity provided under this Section shall not be taken into account in determining the amount of such additional annuity.

(g) If, (1) by law, a function of a governmental unit, as defined by Section 20-107 of this Code, is transferred in whole or in part to an employer, and (2) a participant transfers employment from such governmental unit to such employer within 6 months after the transfer of the function, and (3) the sum of (A) the annuity payable to the participant under Rule 1, 2, or 3 of this Section (B) all proportional annuities payable to the participant by all other retirement systems covered by Article 20, and (C) the initial primary insurance amount to which the participant is entitled under the Social Security Act, is less than the retirement annuity which would have been payable if all of the participant's pension credits

[Apr. 12, 2000]

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177

validated under Section 20-109 had been validated under this system, a supplemental annuity equal to the difference in such amounts shall be payable to the participant.

(h) On January 1, 1981, an annuitant who was receiving a retirement annuity on or before January 1, 1971 shall have his or her retirement annuity then being paid increased \$1 per month for each year of creditable service. On January 1, 1982, an annuitant whose retirement annuity began on or before January 1, 1977, shall have his or her retirement annuity then being paid increased \$1 per month for each year of creditable service.

(i) On January 1, 1987, any annuitant whose retirement annuity began on or before January 1, 1977, shall have the monthly retirement annuity increased by an amount equal to 8¢ per year of creditable service times the number of years that have elapsed since the annuity began.

(Source: P.A. 90-14, eff. 7-1-97; 90-65, eff. 7-7-97; 90-448, eff. 8-16-97; 90-576, eff. 3-31-98; 90-655, eff. 7-30-98; 90-766, eff. 8-14-98.)

(40 ILCS 5/15-136.2) (from Ch. 108 1/2, par. 15-136.2)

Sec. 15-136.2. Early retirement without discount. A participant whose retirement annuity begins after June 1, 1981 and on or before September 1, 2002 and within six months of the last day of employment for which retirement contributions were required, may elect at the time of application to make a one time employee contribution to the System and thereby avoid the early retirement reduction in retirement annuity specified under subsection (b) of Section 15-136. The exercise of the election shall obligate the last employer to also make a one time non-refundable contribution to the System.

The one time employee and employer contributions shall be a percentage of the retiring participant's highest full time annual salary rate during the academic years which were considered in determining his or her final rate of earnings, or if not full time then the full time equivalent. The employee contribution rate shall be 7% multiplied by the lesser of the following 2 sums: (1) the number of years that the participant is less than age 60; or (2) the number of years that the participant's creditable service is less

than 35 years. The employer contribution shall be at the rate of 20% for each year the participant is less than age 60. The employer shall pay the employer contribution from the same source of funds which is used in paying earnings to employees.

Upon receipt of the application and election, the System shall determine the one time employee and employer contributions. The provisions of this Section shall not be applicable until all the above outlined contributions have been received by the System; however, the date such contributions are received shall not be considered in determining the effective date of retirement.

Employee and employer contributions under this Section shall be used only to eliminate the reduction for early retirement under Rules 1 and 3 of Section 15-136 and shall not be used in calculating annuities under Rules 2 or 4 set forth in Section 15-136. This amendatory Act of the 91st General Assembly is a clarification of existing law and applies to every participant and annuitant without regard to whether status as an employee terminates before the effective date of this amendatory Act.

For persons who apply to the Board after the effective date of this amendatory Act of 1993 and before July 1, 1993, requesting a retirement annuity to begin no earlier than July 1, 1993 and no later than June 30, 1994, the employer shall pay both the employee and employer contributions required under this Section.

The number of employees retiring under this Section in any fiscal

[Apr. 12, 2000]

year may be limited at the option of the employer to no less than 15% of those eligible. The right to elect early retirement without discount shall be allocated among those applying on the basis of seniority in the service of the last employer.

(Source: P.A. 90-65, eff. 7-7-97; 90-511, eff. 8-22-97.)

(40 ILCS 5/15-185) (from Ch. 108 1/2, par. 15-185)

Sec. 15-185. Annuities, etc., exempt. The accumulated employee and employer contributions shall be held in trust for each participant and annuitant, and this trust shall be treated as a spendthrift trust. Except as provided in this Article, all cash, securities and other property of this system, all annuities and other benefits payable under this Article and all accumulated credits of participants and annuitants in this system and the right of any person to receive an annuity or other benefit under this Article, or a refund of contributions, shall not be subject to judgment, execution, garnishment, attachment, or other seizure by process, in bankruptcy or otherwise, nor to sale, pledge, mortgage or other alienation, and shall not be assignable. The board, however, may deduct from the benefits, refunds and credits payable to the participant, annuitant or beneficiary, amounts owed by the participant or annuitant to the system. No attempted sale, transfer or assignment of any benefit, refund or credit shall prevent the right of the board to make the deduction and offset authorized in this Section. Any participant or annuitant may authorize the board to deduct from disability benefits or annuities, premiums due under any group hospital-surgical insurance program which is sponsored or approved by any employer; however, the deductions from disability

benefits may not begin prior to 6 months after the disability occurs.

A person receiving an annuity or benefit under this Article may also authorize withholding from that annuity or benefit for the purposes enumerated in and in accordance with the provisions of the State Salary and Annuity Withholding Act.

This Section is not intended to, and does not, affect the calculation of any benefit under this Article or dictate how or to what extent employee or employer contributions are to be taken into account in calculating benefits. This amendatory Act of the 91st General Assembly is a clarification of existing law and applies to every participant and annuitant without regard to whether status as an employee terminates before the effective date of this amendatory Act.

Public Act 86-273 is a clarification of existing law and shall be applicable to every participant and annuitant without regard to whether status as an employee terminates before the effective date of that Act.

(Source: P.A. 90-65, eff. 7-7-97; 90-448, eff. 8-16-97; 90-511, eff. 8-22-97; 90-655, eff. 7-30-98.)

Section 25. The Illinois Pension Code is amended by changing Section 15-136, 15-139, 15-146, 15-146.1, and 15-154 as follows:

(40 ILCS 5/15-136) (from Ch. 108 1/2, par. 15-136)

Sec. 15-136. Retirement annuities - Amount. The provisions of this Section 15-136 apply only to those participants who are participating in the traditional benefit package or the portable benefit package and do not apply to participants who are participating in the self-managed plan.

(a) The amount of a participant's retirement annuity, expressed in the form of a single-life annuity, shall be determined by whichever of the following rules is applicable and provides the largest annuity:

Rule 1: The retirement annuity shall be 1.67% of final rate of earnings for each of the first 10 years of service, 1.90% for each of

[Apr. 12, 2000]

the next 10 years of service, 2.10% for each year of service in excess of 20 but not exceeding 30, and 2.30% for each year in excess of 30; or for persons who retire on or after January 1, 1998, 2.2% of the final rate of earnings for each year of service.

Rule 2: The retirement annuity shall be the sum of the following, determined from amounts credited to the participant in accordance with the actuarial tables and the prescribed rate of interest in effect at the time the retirement annuity begins:

(i) the normal annuity which can be provided on an actuarially equivalent basis, by the accumulated normal contributions as of the date the annuity begins; and

(ii) an annuity from employer contributions of an amount which can be provided on an actuarially equivalent basis from the accumulated normal contributions made by the participant under Section 15-113.6 and Section 15-113.7 plus 1.4 times all other accumulated normal contributions made by the participant.

With respect to a police officer or firefighter who retires on or after the effective date of this amendatory Act of 1998, the

accumulated normal contributions taken into account under clauses (i) and (ii) of this Rule 2 shall include the additional normal contributions made by the police officer or firefighter under Section 15-157(a).

Rule 3: The retirement annuity of a participant who is employed at least one-half time during the period on which his or her final rate of earnings is based, shall be equal to the participant's years of service not to exceed 30, multiplied by (1) \$96 if the participant's final rate of earnings is less than \$3,500, (2) \$108 if the final rate of earnings is at least \$3,500 but less than \$4,500, (3) \$120 if the final rate of earnings is at least \$4,500 but less than \$5,500, (4) \$132 if the final rate of earnings is at least \$5,500 but less than \$6,500, (5) \$144 if the final rate of earnings is at least \$6,500 but less than \$7,500, (6) \$156 if the final rate of earnings is at least \$7,500 but less than \$8,500, (7) \$168 if the final rate of earnings is at least \$8,500 but less than \$9,500, and (8) \$180 if the final rate of earnings is \$9,500 or more, except that the annuity for those persons having made an election under Section 15-154(a-1) shall be calculated and payable under the portable retirement benefit program pursuant to the provisions of Section 15-136.4.

Rule 4: A participant who is at least age 50 and has 25 or more years of service as a police officer or firefighter, and a participant who is age 55 or over and has at least 20 but less than 25 years of service as a police officer or firefighter, shall be entitled to a retirement annuity of 2 1/4% of the final rate of earnings for each of the first 10 years of service as a police officer or firefighter, 2 1/2% for each of the next 10 years of service as a police officer or firefighter, and 2 3/4% for each year of service as a police officer or firefighter in excess of 20. The retirement annuity for all other service shall be computed under Rule 1.

For purposes of this Rule 4, a participant's service as a firefighter shall also include the following:

- (i) service that is performed while the person is an employee under subsection (h) of Section 15-107; and
- (ii) in the case of an individual who was a participating employee employed in the fire department of the University of Illinois's Champaign-Urbana campus immediately prior to the elimination of that fire department and who immediately after the elimination of that fire department transferred to another job with the University of Illinois, service performed as an employee

[Apr. 12, 2000]

of the University of Illinois in a position other than police officer or firefighter, from the date of that transfer until the employee's next termination of service with the University of Illinois.

Rule 5: The retirement annuity of a participant who elected early retirement under the provisions of Section 15-136.2 and who, on or before February 16 1995, brought administrative proceedings pursuant to the administrative rules adopted by the System to challenge the calculation of his or her retirement annuity shall be

the sum of the following, determined from amounts credited to the participant in accordance with the actuarial tables and the prescribed rate of interest in effect at the time the retirement annuity begins:

(i) the normal annuity which can be provided on an actuarially equivalent basis, by the accumulated normal contributions as of the date the annuity begins; and

(ii) an annuity from employer contributions of an amount equal to that which can be provided on an actuarially equivalent basis from the accumulated normal contributions made by the participant under Section 15-113.6 and Section 15-113.7 plus 1.4 times all other accumulated normal contributions made by the participant; and

(iii) an annuity which can be provided on an actuarially equivalent basis from the employee contribution for early retirement under Section 15-136.2, and an annuity from employer contributions of an amount equal to that which can be provided on an actuarially equivalent basis from the employee contribution for early retirement under Section 15-136.2.

In no event shall a retirement annuity under this Rule 5 be lower than the amount obtained by adding (1) the monthly amount obtained by dividing the combined employee and employer contributions made under Section 15-136.2 by the System's annuity factor for the age of the participant at the beginning of the annuity payment period and (2) the amount equal to the participant's annuity if calculated under Rule 1, reduced under Section 15-136(b) as if no contributions had been made under Section 15-136.2.

With respect to a participant who is qualified for a retirement annuity under this Rule 5 whose retirement annuity began before the effective date of this amendatory Act of the 91st General Assembly, and for whom an employee contribution was made under Section 15-136.2, the System shall recalculate the retirement annuity under this Rule 5 and shall pay any additional amounts due in the manner provided in Section 15-186.1 for benefits mistakenly set too low.

The amount of a retirement annuity calculated under this Rule 5 shall be computed solely on the basis of those contributions specifically set forth in this Rule 5. Except as provided in clause (iii) of this Rule 5, neither an employee nor employer contribution for early retirement under Section 15-136.2, nor any other employer contribution, shall be used in the calculation of the amount of a retirement annuity under this Rule 5.

The General Assembly has adopted the changes set forth in Section 25 of this amendatory Act of the 91st General Assembly in recognition that the decision of the Appellate Court for the Fourth District in *Mattis v. State Universities Retirement System et al.* might be deemed to give some right to the plaintiff in that case. The changes made by Section 25 of this amendatory Act of the 91st General Assembly are a legislative implementation of the decision of the Appellate Court for the Fourth District in *Mattis v. State Universities Retirement System et al.* with respect to that plaintiff.

The changes made by Section 25 of this amendatory Act of the 91st

[Apr. 12, 2000]

General Assembly apply without regard to whether the person is in service as an employee on or after its effective date.

(b) The retirement annuity provided under Rules 1 and 3 above shall be reduced by 1/2 of 1% for each month the participant is under age 60 at the time of retirement. However, this reduction shall not apply in the following cases:

(1) For a disabled participant whose disability benefits have been discontinued because he or she has exhausted eligibility for disability benefits under clause (6) of Section 15-152;

(2) For a participant who has at least the number of years of service required to retire at any age under subsection (a) of Section 15-135; or

(3) For that portion of a retirement annuity which has been provided on account of service of the participant during periods when he or she performed the duties of a police officer or firefighter, if these duties were performed for at least 5 years immediately preceding the date the retirement annuity is to begin.

(c) The maximum retirement annuity provided under Rules 1, 2, ~~and 4,~~ and 5 shall be the lesser of (1) the annual limit of benefits as specified in Section 415 of the Internal Revenue Code of 1986, as such Section may be amended from time to time and as such benefit limits shall be adjusted by the Commissioner of Internal Revenue, and (2) 80% of final rate of earnings.

(d) An annuitant whose status as an employee terminates after August 14, 1969 shall receive automatic increases in his or her retirement annuity as follows:

Effective January 1 immediately following the date the retirement annuity begins, the annuitant shall receive an increase in his or her monthly retirement annuity of 0.125% of the monthly retirement annuity provided under Rule 1, Rule 2, Rule 3, ~~or Rule 4,~~ or Rule 5, contained in this Section, multiplied by the number of full months which elapsed from the date the retirement annuity payments began to January 1, 1972, plus 0.1667% of such annuity, multiplied by the number of full months which elapsed from January 1, 1972, or the date the retirement annuity payments began, whichever is later, to January 1, 1978, plus 0.25% of such annuity multiplied by the number of full months which elapsed from January 1, 1978, or the date the retirement annuity payments began, whichever is later, to the effective date of the increase.

The annuitant shall receive an increase in his or her monthly retirement annuity on each January 1 thereafter during the annuitant's life of 3% of the monthly annuity provided under Rule 1, Rule 2, Rule 3, ~~or Rule 4,~~ or Rule 5 contained in this Section. The change made under this subsection by P.A. 81-970 is effective January 1, 1980 and applies to each annuitant whose status as an employee terminates before or after that date.

Beginning January 1, 1990, all automatic annual increases payable under this Section shall be calculated as a percentage of the total annuity payable at the time of the increase, including all increases previously granted under this Article.

The change made in this subsection by P.A. 85-1008 is effective January 26, 1988, and is applicable without regard to whether status as an employee terminated before that date.

(e) If, on January 1, 1987, or the date the retirement annuity payment period begins, whichever is later, the sum of the retirement

annuity provided under Rule 1 or Rule 2 of this Section and the automatic annual increases provided under the preceding subsection or Section 15-136.1, amounts to less than the retirement annuity which

[Apr. 12, 2000]

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182

would be provided by Rule 3, the retirement annuity shall be increased as of January 1, 1987, or the date the retirement annuity payment period begins, whichever is later, to the amount which would be provided by Rule 3 of this Section. Such increased amount shall be considered as the retirement annuity in determining benefits provided under other Sections of this Article. This paragraph applies without regard to whether status as an employee terminated before the effective date of this amendatory Act of 1987, provided that the annuitant was employed at least one-half time during the period on which the final rate of earnings was based.

(f) A participant is entitled to such additional annuity as may be provided on an actuarially equivalent basis, by any accumulated additional contributions to his or her credit. However, the additional contributions made by the participant toward the automatic increases in annuity provided under this Section shall not be taken into account in determining the amount of such additional annuity.

(g) If, (1) by law, a function of a governmental unit, as defined by Section 20-107 of this Code, is transferred in whole or in part to an employer, and (2) a participant transfers employment from such governmental unit to such employer within 6 months after the transfer of the function, and (3) the sum of (A) the annuity payable to the participant under Rule 1, 2, or 3 of this Section (B) all proportional annuities payable to the participant by all other retirement systems covered by Article 20, and (C) the initial primary insurance amount to which the participant is entitled under the Social Security Act, is less than the retirement annuity which would have been payable if all of the participant's pension credits validated under Section 20-109 had been validated under this system, a supplemental annuity equal to the difference in such amounts shall be payable to the participant.

(h) On January 1, 1981, an annuitant who was receiving a retirement annuity on or before January 1, 1971 shall have his or her retirement annuity then being paid increased \$1 per month for each year of creditable service. On January 1, 1982, an annuitant whose retirement annuity began on or before January 1, 1977, shall have his or her retirement annuity then being paid increased \$1 per month for each year of creditable service.

(i) On January 1, 1987, any annuitant whose retirement annuity began on or before January 1, 1977, shall have the monthly retirement annuity increased by an amount equal to 8¢ per year of creditable service times the number of years that have elapsed since the annuity began.

(Source: P.A. 90-14, eff. 7-1-97; 90-65, eff. 7-7-97; 90-448, eff. 8-16-97; 90-576, eff. 3-31-98; 90-655, eff. 7-30-98; 90-766, eff. 8-14-98.)

(40 ILCS 5/15-139) (from Ch. 108 1/2, par. 15-139)

Sec. 15-139. Retirement annuities; Cancellation; Suspended during employment.

(a) If an annuitant returns to employment for an employer within 60 days after the beginning of the retirement annuity payment period, the retirement annuity shall be cancelled, and the annuitant shall refund to the System the total amount of the retirement annuity payments which he or she received. If the retirement annuity is cancelled, the participant shall continue to participate in the System.

(b) If an annuitant retires prior to age 60 and receives or becomes entitled to receive during any month compensation in excess of the monthly retirement annuity for services performed after the date of retirement for any employer under this System, the State Employees' Retirement System of Illinois, or the Teachers' Retirement

[Apr. 12, 2000]

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System of the State of Illinois, that portion of the monthly retirement annuity provided by employer contributions shall not be payable.

If an annuitant retires at age 60 or over and receives or becomes entitled to receive during any academic year compensation in excess of the difference between his or her highest annual earnings prior to retirement and his or her annual retirement annuity computed under Rule 1, Rule 2, Rule 3, ~~or~~ Rule 4, or Rule 5 of Section 15-136 for services performed after the date of retirement for any employer under this System, that portion of the monthly retirement annuity provided by employer contributions shall be reduced by an amount equal to the compensation that exceeds such difference.

However, any remuneration received for serving as a member of the Illinois Educational Labor Relations Board shall be excluded from "compensation" for the purposes of this subsection (b), and serving as a member of the Illinois Educational Labor Relations Board shall not be deemed to be a return to employment for the purposes of this Section. This provision applies without regard to whether service was terminated prior to the effective date of this amendatory Act of 1991.

(c) If an employer certifies that an annuitant has been reemployed on a permanent and continuous basis or in a position in which the annuitant is expected to serve for at least 9 months, the annuitant shall resume his or her status as a participating employee and shall be entitled to all rights applicable to participating employees upon filing with the board an election to forego all annuity payments during the period of reemployment. Upon subsequent retirement, the retirement annuity shall consist of the annuity which was terminated by the reemployment, plus the additional retirement annuity based upon service granted during the period of reemployment, but the combined retirement annuity shall not exceed the maximum annuity applicable on the date of the last retirement.

The total service and earnings credited before and after the initial date of retirement shall be considered in determining eligibility of the employee or the employee's beneficiary to benefits under this Article, and in calculating final rate of earnings.

In determining the death benefit payable to a beneficiary of an annuitant who again becomes a participating employee under this Section, accumulated normal and additional contributions shall be

considered as the sum of the accumulated normal and additional contributions at the date of initial retirement and the accumulated normal and additional contributions credited after that date, less the sum of the annuity payments received by the annuitant.

The survivors insurance benefits provided under Section 15-145 shall not be applicable to an annuitant who resumes his or her status as a participating employee, unless the annuitant, at the time of initial retirement, has a survivors insurance beneficiary who could qualify for such benefits.

If the annuitant's employment is terminated because of circumstances other than death before 9 months from the date of reemployment, the provisions of this Section regarding resumption of status as a participating employee shall not apply. The normal and survivors insurance contributions which are deducted during this period shall be refunded to the annuitant without interest, and subsequent benefits under this Article shall be the same as those which were applicable prior to the date the annuitant resumed employment.

(Source: P.A. 86-1488.)

(40 ILCS 5/15-146) (from Ch. 108 1/2, par. 15-146)

Sec. 15-146. Survivors insurance benefits - Minimum amounts.

[Apr. 12, 2000]

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(a) The minimum total survivors annuity payable on account of the death of a participant shall be 50% of the retirement annuity which would have been provided under Rule 1, Rule 2, ~~or~~ Rule 3, or Rule 5 of Section 15-136 upon the participant's attainment of the minimum age at which the penalty for early retirement would not be applicable or the date of the participant's death, whichever is later, on the basis of credits earned prior to the time of death.

(b) The minimum total survivors annuity payable on account of the death of an annuitant shall be 50% of the retirement annuity which is payable under Section 15-136 at the time of death or 50% of the disability retirement annuity payable under Section 15-153.2. This minimum survivors annuity shall apply to each participant and annuitant who dies after September 16, 1979, whether or not his or her employee status terminates before or after that date.

(c) If an annuitant has elected a reversionary annuity, the retirement annuity referred to in this Section is that which would have been payable had such election not been filed.

(Source: P.A. 90-448, eff. 8-16-97; 90-766, eff. 8-14-98.)

(40 ILCS 5/15-146.1) (from Ch. 108 1/2, par. 15-146.1)

Sec. 15-146.1. Survivors insurance benefits-Maximum amounts.

(a) The maximum total survivors annuity payable on account of any deceased participating employee shall be the lesser of: (1) 80% of the final rate of earnings; or (2) (A) \$400 per month if one survivors insurance beneficiary is entitled to a survivors annuity, or (B) \$600 per month if there are 2 or more such beneficiaries.

(b) The maximum total survivors annuity payable on account of the death of any person occurring after retirement or after termination of his or her employee status shall be the lesser of: (1) 80% of the final rate of earnings; (2) (A) \$400 per month if one survivors insurance beneficiary is entitled to a survivors annuity,

or (B) \$600 per month if there are 2 or more such beneficiaries; or (3) 80% of the retirement annuity payable to the annuitant at the date of retirement under the provisions of Rule 1, Rule 2, ~~or~~ Rule 3, or Rule 5 of Section 15-136, or 80% of the retirement annuity which would have been payable to the participant upon attainment of the minimum age at which the penalty for early retirement would not be applicable or the date of death, whichever is later, based upon credits earned as of the date of death.

(c) The maximum total survivors annuity payable on account of the death of any person whose death occurs while in receipt of a disability retirement annuity under Section 15-153.2 shall be the lesser of (1) 80% of his or her final rate of earnings, (2) (A) \$400 per month if one survivors insurance beneficiary is entitled to a survivors annuity, or (B) \$600 per month if 2 or more survivors insurance beneficiaries qualify for this benefit, or (3) 80% of the retirement annuity which would have been payable upon attainment of the age at which the penalty for early retirement would not be applicable or the date of death, whichever is later, based upon the participant's credits on the date of death, or 80% of the disability retirement annuity whichever is greater.

(d) If the minimum annuity provided under Section 15-146 exceeds the maximum annuity provided under this Section, the minimum annuity shall be payable.

(e) If an annuitant has elected a reversionary annuity, the retirement annuity referred to in this Section is that which would have been payable had such election not been filed.

(f) If a survivors insurance beneficiary qualifies for a survivors or widows annuity because of pension credits established by the participant or annuitant in another system covered by Article 20, and the combined survivors annuities exceed the highest survivors

[Apr. 12, 2000]

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annuity which could be provided by either system based upon the combined pension credits, the survivors annuity payable by this system shall be reduced to that amount which, when added to the survivors annuity payable by the other system, would equal this highest survivors annuity. If the other system has a similar provision for adjustment of the survivors annuity, the respective proportional survivors annuities shall be reduced proportionately according to the ratio which the amount of each proportional survivors annuity bears to the aggregate of all proportional survivors annuities. If a survivors annuity is payable by another system covered by Article 20, and the survivor elects to waive the survivors annuity and accept a lump sum payment or death benefit in lieu of the survivors annuity, this system shall, for the purpose of adjusting the survivors annuity under this subsection, assume that the survivor was entitled to a survivors annuity which, in accordance with actuarial tables of this system, is the actuarial equivalent of the amount of the lump sum payment or death benefit.

(g) The total monthly survivors annuity payable to the beneficiaries of any annuitant who terminated employment before July 14, 1959 and whose death occurs after September 16, 1977 shall not exceed \$200.

(h) Whenever a reduction in the survivors annuity is made as authorized above, the survivors annuity to each dependent parent shall be proportionately reduced or eliminated, and if further reduction is necessary, the survivors annuity payable to every other person shall be proportionately decreased.

(Source: P.A. 86-272.)

(40 ILCS 5/15-154) (from Ch. 108 1/2, par. 15-154)

Sec. 15-154. Refunds.

(a) A participant whose status as an employee is terminated, regardless of cause, or who has been on lay off status for more than 120 days, and who is not on leave of absence, is entitled to a refund of contributions upon application; except that not more than one such refund application may be made during any academic year.

Except as set forth in subsections (a-1) and (a-2), the refund shall be the sum of the accumulated normal, additional and survivors insurance contributions, less the amount of interest credited on these contributions each year in excess of 4 1/2% of the amount on which interest was calculated.

(a-1) A person who elects, in accordance with the requirements of Section 15-134.5, to participate in the portable benefit package and who becomes a participating employee under that retirement program upon the conclusion of the one-year waiting period applicable to the portable benefit package election shall have his or her refund calculated in accordance with the provisions of subsection (a-2).

(a-2) The refund payable to a participant described in subsection (a-1) shall be the sum of the participant's accumulated normal and additional contributions, as defined in Sections 15-116 and 15-117. If the participant terminates with 5 or more years of service for employment as defined in Section 15-113.1, he or she shall also be entitled to a distribution of employer contributions in an amount equal to the sum of the accumulated normal and additional contributions, as defined in Sections 15-116 and 15-117.

(b) Upon acceptance of a refund, the participant forfeits all accrued rights and credits in the System, and if subsequently reemployed, the participant shall be considered a new employee subject to all the qualifying conditions for participation and eligibility for benefits applicable to new employees. If such person again becomes a participating employee and continues as such for 2 years, or is employed by an employer and participates for at least 2

[Apr. 12, 2000]

years in the Federal Civil Service Retirement System, all such rights, credits, and previous status as a participant shall be restored upon repayment of the amount of the refund, together with compound interest thereon from the date the refund was received to the date of repayment at the rate of 6% per annum through August 31, 1982, and at the effective rates after that date.

(c) If a participant covered under the transitional benefit package has made survivors insurance contributions, but has no survivors insurance beneficiary upon retirement, he or she shall be entitled to a refund of the accumulated survivors insurance contributions, or to an additional annuity the value of which is equal to the accumulated survivors insurance contributions.

(d) A participant, upon application, is entitled to a refund of his or her accumulated additional contributions attributable to the additional contributions described in the last sentence of subsection (c) of Section 15-157. Upon the acceptance of such a refund of accumulated additional contributions, the participant forfeits all rights and credits which may have accrued because of such contributions.

(e) A participant who terminates his or her employee status and elects to waive service credit under Section 15-154.2, is entitled to a refund of the accumulated normal, additional and survivors insurance contributions, if any, which were credited the participant for this service, or to an additional annuity the value of which is equal to the accumulated normal, additional and survivors insurance contributions, if any; except that not more than one such refund application may be made during any academic year. Upon acceptance of this refund, the participant forfeits all rights and credits accrued because of this service.

(f) If a police officer or firefighter receives a retirement annuity under Rule 1 or 3 of Section 15-136, he or she shall be entitled at retirement to a refund of the difference between his or her accumulated normal contributions and the normal contributions which would have accumulated had such person filed a waiver of the retirement formula provided by Rule 4 of Section 15-136.

(g) If, at the time of retirement, a participant would be entitled to a retirement annuity under Rule 1, 2, 3, ~~or 4~~, or 5 of Section 15-136 that exceeds the maximum specified in clause (1) of subsection (c) of Section 15-136, he or she shall be entitled to a refund of the employee contributions, if any, paid under Section 15-157 after the date upon which continuance of such contributions would have otherwise caused the retirement annuity to exceed this maximum, plus compound interest at the effective rates. (Source: P.A. 90-448, eff. 8-16-97; 90-576, eff. 3-31-98; 90-766, eff. 8-14-98.)

#### Section 90. Severability.

(a) It is the intent of the General Assembly that the changes made by Section 25 of this amendatory Act of the 91st General Assembly are not severable from one another, and should any of the changes made by Section 25 be declared invalid, then the remainder of those changes shall not remain in effect.

(b) Except as set forth in subsection (a), the provisions of this amendatory Act of the 91st General Assembly are severable under Section 1.31 of the Statute on Statutes. Without limiting the foregoing, it is the intent of the General Assembly that should the provisions of Section 25 of this amendatory Act of the 91st General Assembly be declared invalid, then the remainder of this Act shall remain in effect."

The motion prevailed and the amendment was adopted and ordered  
[Apr. 12, 2000]

printed.

And **House Bill No. 1583**, as amended, was returned to the order of third reading.

**LEGISLATIVE MEASURE FILED**

The following floor amendment to the Senate Bill listed below has been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 1 to Senate Bill 1456

At the hour of 4:47 o'clock p.m., on motion of Senator Maitland, the Senate stood adjourned until Thursday, April 13, 2000 at 10:00 o'clock a.m.

[Apr. 12, 2000]